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THIRD SESSION.

THE

ACTS AND RESOLUTIONS,

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS

THIRD SESSION,

BEGUN AND HELD IN THE CITY OF TALLAHASSEE, ON MONDAY,
NOVEMBER 22, 1847, AND ENDED JANUARY 8, 1848.

PUBLISHED BY AUTHORITY OF LAW

UNDER THE DIRECTION OF THE ATTORNEY GENERAL OF THE STATE.

TALLAHASSEE:

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1848.



TITLES OF ACTS, Third General Assembly—1847.

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181. An act to aid in support of Schools for the education of poor children within the County of Franklin.
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183. An act to regulate the Pilotage of the Bar of the River St. Johns.
184. An act to more fully define the rates of and duty of Pilots for the port of Cedar Keys.
185. An act to authorize Blake Jernigan to establish a Ferry across Pensacola Bay from Deer Point over to the City of Pensacola.
186. An act to authorize James Cockcroft to establish a Ferry across Shoal River.
187. An act to authorize certain persons to establish a Ferry across the Apalachicola River at Chattahoochie.
188. An act for the relief of Craven G. Fife.
189. An act for the relief of John Stone.
190. An act for the relief of R. E. Little.
191. An act for the relief of A. B. Clark, assignee of Thomas M. White.
192. An act for the relief of Daniel McRaeny and Alfred A. Fisher.
193. An act for the relief of William J. Armistead.
194. An act for the relief of James C. Johnston and Harman High.
195. An act for the relief of R. A. Shine and J. A. Edmondson.
195. An act for the relief of H. R. W. Andrews, and others.

197. An act providing compensation to be paid to L. A. Thompson for preparing a Digest of the Laws of Florida.
198. An act to change the name of Sarah A. Holden of Jackson county to that of Sarah A. Howell.
199. An act to change the name of James Simlet, of the county of Monroe, to that of James Timothy Walker.
200. An act to change the name of certain persons therein named.
201. An act to change the name of Mary Elizabeth Ledbetter, of Calhoun county, to that of Mary Elizabeth Doles.
202. An act to change the name of Sarah A. Alston.
203. An act to change the name of William J. McCaughan to that of William J. McGriff.
204. An act to empower Robert Higdon Hall, a minor, to assume the management of his own estate.
205. An act to authorize the executors of George Kingsley, deceased, to sell real estate.
206. An act to authorize Thomas L. Baines to convey a town lot in the town of Quincy and for other purposes.
207. An act to declare and make the citizenship of the keeper, or keepers, of the Live-Oak plantation opposite to the city of Pensacola, in the county of Escambia, in place of the county of Santa Rosa.
208. An act to facilitate the draining of the "Twelve mile swamp" in the county of St. Johns.

RESOLUTIONS.

1. Resolutions relative to the Commissioning, by the Governor, of Justices of the Peace.
2. Preamble and Resolutions in relation to certain sections of Land granted by the United States to Florida, for the purpose of fixing her seat of Government.
3. Preamble and Resolutions requesting our Members in Congress to procure the passage of an act to graduate the price of Public Lands in this State.
4. Preamble and Resolutions in relation to pre-emption rights in this State.
5. Resolutions relative to locating the School Lands in Eighths of Sections.
6. Preamble and Resolutions asking Congress to Provide Lands for the inhabitants of certain Townships for the support of Public Schools.
7. Resolutions in regard to Lands which have reverted back to the General Government under the "Armed Occupation Act," and in regard to the eight Sections of Land granted to Florida for the fixing of a Seat of Government.
8. Preamble and Resolutions relative to a speedy survey of the Private Land Claims in Florida.
9. Memorial and Resolutions asking Congress to appropriate one hundred and sixty acres of Land for the building of a Court House in Hillsborough County.
10. Preamble and Resolutions relative to the passage of a law in relief of certain citizens of this State.
11. Resolutions requesting the Senators and Representative of Florida, in Congress, to procure copies of all the surveys and reports made thereon of Canal and Rail Road Routes in Florida, by the United States' Government, for the use of this State.
12. Resolution relative to the removal of the United States Land Office from Newsnansville to Ocala.
13. A Memorial and Resolution of the General Assembly of the State of Florida to the President, Post Master General and the Congress of the United States, on the subject of a Mail Route therein mentioned.
14. Resolution in relation to draining the Everglades.

15. Preamble and Resolutions relative to the expenses of Florida Volunteers, previous to being mustered into the United States Service.
16. Resolutions relative to the Widows and Orphans of those who have died in the defence of their Country in Mexico.
17. Resolutions relative to the Indians in South Florida, and providing for the safety of the inhabitants of that section of this State.
18. Resolutions relative to the payment of Captain William H. Payne's Company.
19. Resolutions in relation to Territory which may be acquired by the United States.
20. Resolutions in relation to the Wilmot Proviso.
21. Resolution in relation to Major William W. Loring and Lieutenant M. C. Marin.
22. Resolution expressive of thanks to Messrs. Randall, Brockenbrough, and Baker, examiners of Thompson's Digest.
23. Resolution relative to James A. Baughey.
24. Resolution in relation to renting basement rooms of Capitol.
25. Resolution in relation to the employment of Hugh Archer, in the Comptroller's Office.
26. Resolutions relative to printing Amendments to the Constitution.
27. Resolution relative to printing House and Senate Bills for the establishment of a system of Common Schools.
28. Resolution in relation to printing the Laws of the Present Session.

LAWS,

OF THE STATE OF FLORIDA,

Passed at the Third Session of the General Assembly of the State—1847.

WILLIAM D. MOSELEY, Governor. JAMES T. ARCHER, Secretary of State.
 SIMON TOWLE, Comptroller of Public Accounts. WILLIAM R. HAYWARD,
 State Treasurer. JOSEPH BRANCH, Attorney General. D. G. McLANE,
 President of the Senate. C. W. DOWNING, Secretary of the Senate. JOHN
 CHAIN, Speaker of the House. W. B. LANCASTER, Clerk of the House.

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CHAPTER 136.—[No. 1.]

AN ACT to amend an act entitled “an act to organize the Circuit Courts
 of the State of Florida.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the sixth Section of an act entitled, “An act to Organize the Circuit Courts of the State of Florida,” approved on the 22d day of July, 1845, shall continue in force only until the first Monday in the month of January, 1848; and that from and after that period, the Judges of the said Courts, shall hold the terms thereof in the Circuits for which they are, or may be, respectively, appointed, only subject to the provisions of the Constitution of this State.

SEC. 2. *Be it further enacted,* That whenever it shall appear to any Judge of the Circuit Court in either of the Judicial Circuits of this State, that any cause or causes are pending in any Circuit Court within his Circuit, wherein he is interested, or has been of Counsel, or for any cause cannot properly hear, try or decide the same, then such Circuit Judge shall notify that fact to the Supreme Court of the State, at the next term thereafter, and thereupon it shall be the duty of the Supreme Court, to appoint and assign one of the Judges thereof not interested, or otherwise disqualified, to hold the next regular term of the Circuit Court in the County or Counties wherein such cause or causes are pending, or, to hold a special term or terms for the trial of such cause or causes, at such time or times as the said Supreme Court may direct.

[Passed the Senate, December 24, 1847. Passed the House of Representatives, January 3, 1848. Approved by the Governor, January 4, 1848.]

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CHAPTER 137.—[No. 2.]

AN ACT to amend "an act to organize the Circuit Courts of the State of Florida."

SECTION. 1 *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the first day of January, one thousand eight hundred and forty eight, the Salaries of the Solicitors of the several Circuits of this State, shall respectively be the sum of Eight Hundred Dollars, per annum, payable quarterly at the Treasury of this State.

SEC. 2. *Be it further enacted*, That the Salaries paid by the first Section of this Act, shall be, and, the same are hereby declared to be, in lieu of all salary, fees of office, and all perquisites whatever, that may have been heretofore prescribed to the said Solicitors, and receivable by them.

SEC. 3. *Be it further enacted*, That the fees now by law chargeable in Criminal Prosecutions, as fees to the Solicitors in the several Courts in this State, shall be, as heretofore, taxed in the bill of costs, but that the same shall be collected by the Sheriffs of the respective Counties and paid into the State Treasury.

SEC. 4. *Be it further enacted*, That all acts or parts of acts conflicting with this act be, and the same are hereby repealed.

[Passed the House of Representatives, December 27, 1847. Passed the Senate, January 7, 1848. Approved by the Governor, January 8th, 1848.]

CHAPTER 138.—[No. 3.]

AN ACT to provide Writs of Error in Criminal Cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Judges of the Circuit Courts of this State, upon the trial of any person or persons charged with crime or misdemeanor in said Court, to sign and seal, upon request, any bill of exceptions taken during the progress of the cause, and tendered to the Court: *Provided*, The said bill of exceptions as tendered, fairly state the truth of the matter, and the exception designed to be taken; and the same shall, when signed, become a part of the record of such cause; and in case the Judge refuses to sign a bill of exceptions when the same is tendered for that purpose, then it shall be lawful for three persons to sign the same in the presence of the Judge, as is now provided by law in civil cases may be done, and the Supreme Court of the State shall admit the same in like manner as a bill of exceptions.

SEC. 2. *Be it further enacted*, That in all capital cases, Writs of Error shall be writs of right and remove the record of said cause to the Supreme Court, and they shall issue on the application of the defendant.

SEC. 3. *Be it further enacted*, That any party convicted of Crime

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or Misdemeanor not capital, shall be entitled to a Writ of Error to the Supreme Court, upon complying with the following terms:— He shall obtain from the Clerk a copy of the record of the case, duly certified, and cause the same, together with an assignment of the errors relied on for reversal of the judgment, to be presented to the Supreme Court, or to one of the Justices thereof; and if such Court or Justice, upon inspection of the record, shall be of opinion that there is just cause for allowing a Writ of Error, he shall so endorse on such record; and thereupon a writ of Error shall issue from either the Circuit or Supreme Court.

SEC. 4. *Be it further enacted*, That in no case, whether capital or not, shall any such Writ of Error be a supersedeas to the execution of the judgment, sentence or order complained of, except upon payment by such plaintiff in Error of all the costs which have accrued in such case, up to that time, and upon securing by recognizance, to be entered into with one or more sureties, according to law, before the Clerk of the Circuit Court, in a sum sufficient to secure the payment of such judgment, fine and future costs, as may be adjudged and affirmed in the Supreme Court; and also conditioned, that the said party shall be personally forthcoming to answer and abide the final order, sentence or judgment that may be passed in the premises by the Supreme Court, and in case the cause is remanded to the Circuit Court, then that the said plaintiff in Error shall personally be and appear at the next term of the Circuit Court, in the County in which the cause was originally tried, thereafter to be held, to answer in the premises, and not depart from the Court without leave thereof: *Provided*, That in cases where capital punishment is by the judgment or sentence of the Court ordered to be inflicted, the person of the defendant shall be the only security required for his forthcoming to answer as aforesaid.

SEC. 5. *Be it further enacted*, That if the party applying for such Writ of Error shall at the time be in custody under the sentence of conviction, the allowance of such Writ of Error, and the obtaining of such supersedeas, shall not discharge such party from custody, except by order of the Court, or of the Justice allowing the Writ of Error, which shall be only made in cases bailable according to the course of the Common Law, or by the Statutes of this State; and upon the affirmance of any judgment in any case brought into the Supreme Court by virtue of this act, the said Court shall order and direct the Circuit Court to carry into effect the original judgment, sentence or order, or shall themselves proceed to pass such judgment, sentence or order, as to them shall seem proper, and appoint the time for the execution of the same.

SEC. 6. *Be it further enacted*, That in case the defendant in any such criminal prosecution, whether capital or not capital, shall be utterly unable to pay the costs of the cause either in whole or in part, and shall himself make oath before the Court, or the Clerk thereof and also by credible testimony, establish satisfactorily that he has no property, or other means of payment, either in his possession or

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When party is unable to pay costs and give bond for pay't of judgment.

under his control, and has not divested himself of his property for the purpose of receiving benefit from this oath, and is also utterly unable to enter into the recognizance required to secure the payment of such judgment, fine and costs, thereupon, such oath being made and evidence produced, writ of error shall be a supersedeas without such payment, if the said defendant remain in custody, or in cases not capital, upon his entering into recognizance with one or more sureties, conditioned that he shall be personally forthcoming to answer and abide the final order, sentence or judgment that may be passed in the premises by the Supreme Court, and also further conditioned for his appearance before the Circuit Court as in the fourth section of this Act is specified.

Exceptions to refusal to grant new trial.

SEC. 7. *Be it further enacted*, That in all cases of conviction for crime or misdemeanor, exceptions may be taken to the refusal of the Court to grant new trials; and such application, the grounds thereof, the refusal and the cause of such refusal, shall form a part of the bill of exceptions; and the same may be assigned as causes of error; nor shall such application, when refused, in any case be held to waive the exceptions before taken on the trial of the cause.

Charge of judge

SEC. 8. *Be it further enacted*, That charges made by Judges to Juries in all criminal cases, shall be reduced to writing and filed in the case, and shall be exclusively on points of law; and that any violation of this section shall be deemed and construed to be error, from which a writ of error may be prayed as of right.

Notice of writ of error.

SEC. 9. *Be it further enacted*, That notice of such Writs of Error shall be served on the Solicitor of the Circuit, or Attorney General of the State, in the same manner as like notice is served in civil causes.

[Passed the House of Representatives, December 18, 1847. Passed the Senate, December 24, 1847. Approved by the Governor, January 4, 1848.]

CHAPTER 139.—[No. 4.]

AN ACT to amend the Criminal Laws of force in this State.

Burning other than the dwelling house.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That if any person wilfully and maliciously shall burn, or caused to be burned, or aid, counsel, procure, or consent, to the burning of any barn, gin house, cotton-screw, corn pen, stable or other building of another, not parcel of the dwelling house, or any shop, store-house, banking house, ware house, mill, or other building of another, or any other building by the burning whereof any building mentioned in this section shall be burned, then, and in every such case, the person so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding two thousand dollars, and imprisonment not exceeding two years nor less than six months, at the discretion of the jury.

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SEC. 2. *Be it further enacted*, That if any person shall wilfully and maliciously set fire to, or aid, procure, or consent to the setting fire to any building mentioned in the preceding section of this Act, with intent to burn the same, then and in all such cases, the person so offending shall be adjudged guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one thousand dollars and imprisonment not exceeding one year nor less than six months, at the discretion of the jury.

SEC. 3. *Be it further enacted*, That if any person shall wilfully and maliciously burn, or cause to be burned, or aid, assist in, counsel, procure or consent to the burning, or shall set fire to, or aid, assist in, counsel, procure or consent to the setting fire to with intent to burn, any court house, jail, church, meeting house, college, academy, or other building erected for public use, or in which State or county records, or other public property is lawfully and publicly kept, such person shall be deemed guilty of felony, and shall, on conviction, be punished by standing in the pillory one hour, and by fine not exceeding five thousand dollars nor less than one thousand dollars, or by imprisonment not exceeding five years nor less than one year, at the discretion of the jury.

SEC. 4. *Be it further enacted*, That this Act shall not be construed to have any reference to the crime of arson or the punishment thereof; but the law now in force with respect to such crime (notwithstanding the passage of this act) shall be and remain in full force and effect.

SEC. 5. *Be it further enacted*, That if any colored person, free negro, mulatto, or slave, shall be guilty of any of the above offences mentioned in the first and second sections of this act, he, she or they, shall be considered guilty of a misdemeanor, and shall be punished with thirty-nine stripes, and shall stand in the pillory one hour, and if any colored person, free negro, mulatto, or slave, shall be convicted of the offence or offences mentioned in the (3d) third section of this act, he shall be deemed guilty of felony, and shall be punished by whipping not exceeding one hundred lashes and by having his ears nailed to posts, there to stand for half an hour; and if a free colored person, he or she, shall, besides, pay the expense of the prosecution, or be sold to service for that purpose.

[Passed the House of Representatives, January 3d, 1848. Passed the Senate, January 5th, 1848. Approved by the Governor, January 7th, 1848.]

CHAPTER 140.—[No. 5.]

AN ACT to amend the several acts regulating Judicial proceedings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, upon the trial of all common law cases in the several Circuit Courts of this State, it shall be the duty of the Judge presi-

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Charge of judge
in cases at com-
mon law.

Ruling of judge
upon points of
law or instruc-
tions asked.

Duty of the
Judge upon re-
fusing to give
the instructions

Instructions gi-
ven and denied
to form part of
record.

ding on such trial, to charge the Jury only upon the law of the case and in the manner following, that is to say, the said Judge shall on-ly charge the Jury upon some point or points of law, or exceptions to evidence arising in the trial of said cause, and such charge shall be wholly in writing.

SEC. 2. *Be it further enacted*, That upon the presentment to the said Judge, by either of the parties or their attorneys, of instruc-tions in writing, on the point or points of law, or exceptions taken, arising in the trial, it shall be the duty of the said Judge to declare, in writing, his ruling thereupon, as presented, and pronounce the same to the Jury as given or refused.

SEC. 3. *Be it further enacted*, That it shall be the duty of the said Judge, in every case, when he shall refuse to give the instruc-tions, or any one of them prayed for, as prayed to be given, to write out and declare to the Jury by way of instructions his own ruling of the law upon the point or points so raised or presented, all of which shall be in writing, and shall be written out before the same are delivered.

SEC. 4. *Be it further enacted*, That all said instructions, as well those given as those denied, and also as well those prayed for by the parties as those declined by the said Judge, shall be signed and seal- ed by the said Judge, and form a part of the record in the cause.

[Passed the House of Representatives, Dec. 20th, 1847. Passed the Sen- ate, Dec. 29th, 1847. Approved by the Governor, Jan. 3d, 1848.]

CHAPTER 141.—[No. 6.]

AN ACT to allow the privilege of Bail in certain cases.

SECTION. 1. *Be it enacted by the Senate and House of Representa- tives of the State of Florida in General Assembly convened*, That all persons convicted of criminal offences in this State, who shall have a pecuniary fine or sum of money assessed or adjudged against him, her or them as punishment therefor, shall have the right, on being taken into custody by the proper officer of court, or prior to such arrest, to give bail or security for the payment of such fine, and the costs of prosecution adjudged against such person or persons.

Bond. SEC. 2. *Be it further enacted*, That such bail or security shall be by bond conditioned for the payment of such fine and costs, ex- ecuted by the defendant and one or more good and responsible per- sons, to be approved by the court rendering the judgment, if in ses- sion at the time, or by the Sheriff or other officer charged with the execution of such judgment.

How payable. SEC. 3. *Be it further enacted*, That the bond provided for in the preceding section, shall be made payable in ninety days from the date thereof to the Governor of this State and his successors in of- fice, and if not paid by the expiration of said ninety days, the sheriff or other officer as aforesaid, shall endorse thereon that default has

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been made in the payment thereof, and shall sign such endorsement, and file said bond with the Clerk of the Court in which such judgment was rendered, and such clerk shall forthwith issue execution for the amount of such fine and costs against such security or bail, as if there had been judgment at law on such bond, and the same proceedings shall be had thereon as in case of other executions, and the person or persons convicted as aforesaid, shall be liable to be proceeded against as if no such bond had been given until the same shall be fully paid and satisfied.

[Passed the Senate, December 27, 1847. Passed the House of Representatives, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 142.—[No. 7.]

AN ACT to amend the several acts concerning the Limitations of Actions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,*

That no person, or persons, who now has, or hereafter may have, any right or title of entry into any lands, tenements or hereditaments, shall make entry thereon but within seven years next after such right or title shall accrue; and such person, or persons, shall be barred from any entry afterwards, as against all and every adverse possession thereof for the term of seven years.

SEC. 2. *Be it further enacted,* That any real, possessory, ancestral, mixed, or other action, for any lands, tenements or hereditaments, or any suit or proceeding for the recovery or possession thereof, shall be brought or instituted within seven years next after the right or title thereto, or cause of such action, suit or proceeding, shall accrue, and not afterwards.

SEC. 3. *Be it further enacted,* That if any person, or persons, entitled to commence any such action, suit or proceeding, or shall have any right or title of entry, hereinbefore mentioned, be at the time such title shall descend or accrue, either within the age of twenty-one years, a married woman, insane or imprisoned, the time during which such disability shall continue, shall not be deemed any portion of the time within this Act limited for making such entry or bringing such action, or instituting such suit or proceeding; but such person, or persons, may bring such action, institute such suit or proceeding within four years next after such disability is removed, but not afterwards.

SEC. 4. *Be it further enacted,* That if the person, or persons, first entitled to make such entry, or bring such action, or institute such suit or proceeding, shall die during any of the disabilities mentioned in the preceding section, and no determination or judgment shall have been had of, or upon the title, right or action, which accrued to him or them, the entry may be made, or action brought, or suit or proceeding instituted, by his heirs, or any other person or per-

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When heir or
other person
may institute
suit.

sons, claiming from, by or under him or them, at any time within three years, notwithstanding the said seven years shall have expired ; but no further time for making such entry, or bringing such action, or instituting such suit or proceeding, beyond that heretofore in this section prescribed, shall be allowed by means of the disability of any other person.

Abatement of
suit, or arrest or
reversal of judgment in favor
of plaintiff.

SEC. 5. *Be it further enacted*, That if any action, suit or proceeding, of which the commencement is limited by this Act, shall be abated by the death of any party thereto, or if after verdict for the plaintiff, or person or persons instituting such suit or proceeding, the judgment shall be arrested, or if judgment be given for the Plaintiff or person instituting such suit or proceeding, and the judgment be reversed for error therein, the plaintiff, or person or persons instituting such suit or proceedings or any person or persons claiming from, by or under him or them, may bring an action, or institute a suit or proceeding for the same cause, at any time within one year after the determination of the original action, suit or proceeding, or after the reversal of the judgment, as though this Act had not been passed.

Force & effect
of this act.

SEC. 6. *Be it further enacted*, That this Act shall not operate retroactively, but the term herein prescribed for making such entry, or bringing such action, or instituting such suit or proceeding, shall commence running from the day of the approval thereof, but such portion of the Act of November 10th, 1828, and such laws now in force as limit or prescribe the time within which any entry may be made on any lands, tenements, or hereditaments, or any writ, action or suit shall be brought, or proceeding instituted for the recovery or possession thereof, or for asserting or establishing the title thereto, shall (notwithstanding the passage of this Act,) be considered as of force with regard to, and applicable to such writ, action, or suit, to such cases as may arise until the expiration of seven years from the approval of this, and not afterwards.

[Passed House of Representatives, January, 1848. Passed the Senate, January 7th, 1848. Approved by the Governor, January 8th, 1848.]

CHAPTER 143.—[No. 8.]

AN ACT to make valid the proceedings of Sundry Persons commissioned as Justices of the Peace of this State.

Act of, legalized.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all and singular the actings and doings of the several persons commissioned and sworn as Justices of the Peace in this State, by virtue of an alleged election for such Justices, held by the people on the first Monday of October, eighteen hundred and forty-seven, heretofore had and made in the capacity of Justices of the Peace, and which shall be had or made without notice of any illegality of the elections

aforesaid, at any time before the close of this session of the General Assembly, bona fide, and under the warrant of such commission, shall be, and the same are hereby, made and declared valid in law to all intents and purposes, as though such persons had been legally elected, commissioned and sworn, at the date thereof respectively.

SEC. 2. *Be it further enacted*, That the said persons so commissioned and sworn, and so having acted, and who shall so act without notice, as aforesaid, bona fide, and under the warrant of such commissions aforesaid, shall not be liable to any suit or suits, action or actions, either civil or criminal whatsoever, at the suit of any person or persons whatsoever, for any of their actings or doings in the capacity of Justices of the Peace as aforesaid, by reason of any real or supposed irregularity or illegality in their said election. Not liable to suit.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Secretary of State of this State to transmit to each and every of such persons who were so declared elected, and who have been so commissioned and sworn, a printed copy of this act, and also of the Resolutions of the General Assembly which may be passed on this same subject at the present session, and the said Secretary of State is hereby authorized and required to have a suitable number of copies printed for that purpose, and declared to be published by authority; and the same shall be received, in any of the courts of this State, in the same manner that printed Acts of Assembly are now made evidence. Copies of this act. How far evidence.

SEC. 4. *Be it further enacted*, That in such of the counties or Justices Districts of this State in which an election for Justices of the Peace was held on the first Monday in the month of October last, and not on the first Monday of May preceding, the persons who received the highest number of votes as Justices of the Peace, on the said first Monday in October, shall hold their offices until the first Monday in May, 1849, and until their successors shall be qualified. Term of Justices elected in October last.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, January 1, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 144.—[No. 9.]

AN ACT making appropriation for the payment of the Printing and Binding of Thompson's Digest, and finally disposing thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That his Excellency the Governor of this State be authorized, and is hereby required to pay out of the contingent fund of this State, to Messrs. Little & Brown, the sum of two thousand one hundred and seventeen dollars and forty-five cents, the same being the amount due them upon a contract entered into with them for the printing and Appropriation.

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binding fifteen hundred volumes of Thompson's Digest of the Laws of Florida.

Sale and distri- SEC. 2. *Be it further enacted*, That the volumes of the said
bution of Di- Thompson's Digest be, when received by the Governor, placed in
gest. custody of, and under the charge of, the Secretary of the State, who
is hereby authorized to provide (in such manner as he may deem
the best, most secure, and most economical) for the distribution there-
of, throughout the respective counties of this State, for sale therein;
Price. taking care that the price of said Digest be fixed at a sum per
volume sufficient only to cover the expenses of the compilation,
printing, binding, freight, transportation, expenses of sale, commis-
sions and other expenses, and that upon the collection of the pro-
ceeds thereof, or any part thereof, he shall pay the same into the
Compensat'n of Treasury of this State; and for a compensation to said Secretary
secretary. of State, he shall be entitled to receive of the proceeds of said
sales, the sum of two and a half per cent., which amount shall be
added in the sum charged per copy of said Digest.

Sec'y to furnish SEC. 3. *Be it further enacted*, That the said Secretary of State shall
clerks circuit furnish the clerks of the Circuit Courts of the respective counties
courts. of this State each with a copy of said Digest, which shall be by
them kept for the use of the said Circuit Court, and shall be deliv-
ered to their successors in office; and upon failure so to deliver the
same to their successors in office, such clerks so failing, shall be
fined, by the Judge of said Circuit Court, twice the value of such
Digest.

[Passed the House of Representatives, December 27, 1847. Passed the Senate, December 31, 1847. Approved by the Governor, January 6, 1848.]

CHAPTER 145. [No. 10.]

AN ACT to regulate the time of holding the Circuit Courts in the Middle Circuit.

Times of hold- SECTION 1. *Be it enacted by the Senate and House of Representa-*
ing spring term tives of the State of Florida in General Assembly convened, That the
circuit court. Spring Term of the Circuit Courts in the counties of the Middle
Circuit, shall hereafter commence as follows, to wit:

In the county of Hamilton, on the first Monday of March.
In the county of Madison, on the second Monday of March.
In the county of Jefferson, on the third Monday of March.
In the county of Leon, on the fourth Monday of March.
In the county of Gadsden, on the third Monday of May.
In the county of Wakulla, on the fourth Monday of May.

Fall Term. SEC. 2. *Be it further enacted*, That the Fall term of the Circuit
Courts in said circuit, shall hereafter commence as follows, to wit:
In the county of Hamilton, on the first Wednesday after the first
Monday of October.

In the county of Madison, on the first Tuesday after the second Monday of October.

In the county of Jefferson, on the third Monday of October.

In the county of Leon, on the fourth Monday of October.

In the county of Gadsden, on the second Monday in November.

In the county of Wakulla, on the first Monday of December.

[Passed the House of Representatives, January 3, 1848. Passed the Senate, January 5, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 146.—[No. 11.]

AN ACT to amend an act entitled, "An act to organize the office of Comptroller of Public Accounts of the State of Florida," approved, July 23, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Comptroller of this State, to examine, audit and settle all accounts, claims and demands whatsoever, against the State, arising under any law or resolution of the General Assembly, and to issue his warrant to the Treasurer directing him to pay out of the State Treasury such amount as shall be allowed by said Comptroller thereon, which warrant shall recite the act or resolution, and the specific section thereof upon which said claim is founded, the name of the original claimant, and the transferees, and the evidence in support thereof; and the said Comptroller shall record the said Warrant in his office, and transmit the same with said original account and the vouchers and evidence thereto to the Treasurer, who shall file the same in his office, and if lawful pay the amount, or issue a Treasury Certificate therefor, as may be provided by law.

Duty of.

Warrant.

SEC. 2. *Be it further enacted,* That the said Comptroller shall erase from any original account, all items disallowed by him; and when he shall reject the whole of any account, he shall write across the face of it the word "disallowed," and the date, and file the same in his office, or deliver it to the claimant.

Disallowed accounts.

SEC. 3. *Be it further enacted,* That the said Comptroller shall keep in his office a book in which he shall enter a synopsis or abstract of all accounts and claims presented, which abstract shall contain the names of the original claimant and transferees, the date and amount claimed, a minute of the evidence, and of his decision thereon, and, if allowed, a reference to the number of the warrant issued thereon. The said Comptroller shall also keep in his office a book in which shall be recorded all warrant issued by him; a book in which shall be kept an abstract of all official letters, documents and communications received by him, and of the disposition thereof; and a book in which to record all official letters or communications made by him.

Abstract of Claims.

Record of Warrant.

Official letters, &c.

SEC. 4. *Be it further enacted,* That the third section of the act

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to which this is an amendment be, and the same is hereby, repealed.

[Passed the Senate, December 27, 1847. Passed the House of Representatives, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 147.—[No. 12.]

AN ACT to amend the several Acts to Raise a Revenue for this State, approved July 24, 1845, and December 27, 1845.

Tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in addition to the Taxes now assessed, there shall be assessed and collected twenty per cent. on the amount in each and every county in this State in the same way and manner as is now prescribed by law, under the several acts to which this is an amendment.

[Passed the Senate, January 3, 1848. Passed House of Representatives, January 8, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 148.—[No. 13.]

AN ACT to make the certificates of the Treasurer of this State receivable in payment of all public dues.

Paym't of Cer-
tificates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the first day of May, 1848, the certificates of the Treasurer of this State, shall be receivable in payment of all public dues irrespective of their numbers.

Officer taking
below par.

SEC. 2. *Be it further enacted,* That the Officers charged with the collection of the State taxes, shall be, and they are hereby, required to receive the said certificates at par; and any such officer who shall directly or indirectly receive the same at a less sum than the sum therein expressed to be due, shall be deemed guilty of extortion.

[Passed the Senate, December 3, 1847. Passed House of Representatives December 20, 1847. Retained by the Governor more than five days without approval.]

CHAPTER 149.—[No. 14.]

AN ACT to provide for the payment of Jurors and State Witnesses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, each and every Grand and Petit Juror,

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who shall serve in any of the Circuit Courts of this State, shall be allowed out of the Treasury of this State the sum of one dollar per day for the time he shall serve as such juror.

Pay of jurors.

SEC. 2. *Be it further enacted*, That the clerks respectively shall, at each term of said court, furnish each juror with a certificate, under his seal of office, specifying the name and number of days such juror has served at said term, which amount, when approved by the Sheriff of said county, shall be redeemable by the tax collector in payment of taxes, or in cash, at their certified value.

How jury certificate redeemed.

SEC. 3. *Be it further enacted*, That all witnesses summoned to testify in said courts on the behalf of the State, shall receive for compensation one dollar per day, to be allowed and approved in the same manner as is provided for jurors by the preceding sections of this act.

Pay of witness.

SEC. 4. *Be it further enacted*, That within ten days after the close of each term of the said court, the clerk thereof shall make out and certify under seal of said court, an account containing the name of each juror and State witness, the time each was in attendance on the court, and the amount due each; a copy of which statement shall be forthwith transmitted to the Comptroller of Public Accounts, and one copy kept on file in said Clerk's Office.

Duty of Clerk in relation to.

SEC. 5. *Be it further enacted*, That all accounts for the attendance of jurors and State witnesses, certified and approved as prescribed by the foregoing sections, shall be allowed at the Treasury of the State by the Comptroller and Treasurer, in their annual settlement of accounts with the tax collectors.

Allowance of accounts certified by Clerk.

[Passed the Senate, December 15, 1847. Passed House Representatives, January 1, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 150.—[No. 15.]

AN ACT to define the duties and prescribe the Compensation of Tax Assessors and Collectors in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Tax Assessors and Collectors who now are or may hereafter be elected in this State, as provided by law, shall respectively discharge all the duties hitherto required of Tax Assessors and also all the duties hitherto required of the Sheriffs in the several Counties as ex officio Tax Collectors; and the said Tax Assessors and Collectors shall discharge those duties in the manner prescribed by law.

Duty of.

SEC. 2. *Be it further enacted*, That all existing provisions of the laws of this State applicable to Tax Assessors and to the Sheriffs in the several Counties as ex officio Tax Collectors, shall be and the same are hereby, made applicable to Tax Assessors and Collectors, in the assessing, collecting and paying over the taxes levied in this State, in the same manner and to the same extent as if the existing

Laws in relation to assessing, collecting, &c.

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laws had been passed with special reference to the present existing office of Tax Assessor and Collector.

Compensation
of Tax Asses-
sor & Collector.

SEC. 3. *Be it further enacted*, That for performing the duties required of said Tax Assessors and Collectors in assessing, collecting and paying the revenue into the Treasury of this State, there shall be paid to said officers compensation as follows, viz: in each and every County where the amount actually collected and paid into the State Treasury for such County shall not exceed the sum of three hundred dollars, there shall be paid to the Tax Assessor and Collector of such County forty dollars; in each and every County in which such collection and payment as aforesaid shall exceed three hundred and not exceed six hundred dollars, there shall be paid to the Tax Assessor and Collector of such County fifty-five dollars; in each and every County in which such collection and payment as aforesaid shall exceed six hundred and not exceed one thousand dollars, there shall be paid to the Tax Assessor and Collector of such County eighty dollars; in each and every County in which such collection and payment as aforesaid shall exceed one thousand dollars and not exceed two thousand dollars, there shall be paid to the Tax Assessor and Collector of such County one hundred and twenty-five dollars; in each and every County in which such collection and payment as aforesaid shall exceed two thousand dollars and not exceed three thousand dollars, there shall be paid to the Tax Assessor and Collector of such County two hundred dollars; in each and every County in which such collection and payment as aforesaid shall exceed three thousand dollars and not exceed four thousand dollars, there shall be paid to the Tax Assessor and Collector of such County two hundred and fifty dollars; in each and every County in which such collection and payment as aforesaid shall exceed four thousand dollars and not exceed five thousand dollars, there shall be paid to the Tax Assessor and Collector of such County two hundred and fifty dollars; in each and every County in which such collection and payment as aforesaid shall exceed five thousand dollars and not exceed seven thousand dollars, there shall be paid to the Tax Assessor and Collector of such County three hundred dollars; in each and every County in which such collection and payment as aforesaid shall exceed seven thousand dollars and not exceed nine thousand dollars, there shall be paid to the Tax Assessor and Collector of such County three hundred and fifty dollars; and in each and every County in which such collection and payment as aforesaid shall exceed nine thousand dollars, there shall be paid to the said Tax Assessor and Collector of such County four hundred and fifty dollars.

Bond.

SEC. 4. *Be it further enacted*, That every Tax Assessor and Collector, before entering upon the duties of his office, shall give bond, payable to the State of Florida, with two or more securities, in such sum as shall be designated by the President of the Board of County Commissioners, not in any case to be less than double the amount of the assessment in the County for the previous year, which bond

shall be approved by, and delivered to, the Board of County Commissioners, and shall be conditioned for the diligent and faithful performance by the Tax Assessor and Collector of the duties of his office, and shall, besides the constitutional oath required, take and subscribe in writing an oath (which last oath shall be endorsed upon said bond) that he will faithfully discharge all the duties of his office according to law.

[Passed the House of Representatives, January 5, 1848. Passed the Senate, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 151.—[No. 16.]

AN ACT to enforce the payment of taxes assessed and to be assessed against all Institutions claiming Corporate Privileges in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any and all Institutions claiming the exercise of corporate privileges in this State, which are, or shall hereafter be, in arrears to the State for any taxes lawfully assessed against the same and which shall fail or refuse to pay the said taxes, within the time prescribed by law for the payment of the same, shall not be entitled, while such arrearages remain unpaid, to institute any suit in its or their name or names, or for its or their use, or to proceed in any suit or cause already instituted in behalf of such institution or institutions, in any of the Courts of this State, or to have the aid of any writ or process of this State for any purpose whatever, and all process of this State which may or shall be issued in behalf of any and all such institutions in arrearages as aforesaid, shall be deemed and held to be utterly void. Penalty for failure to pay tax.

SEC. 2. *Be it further enacted,* That, in all cases where assessments of taxes are lawfully made against any institution claiming the exercise of Corporate Privileges in this State, it shall be lawful for the Collector of Taxes, if the said assessment be not paid within the time required by law, to sell, under the same rules and regulations prescribed by law for the sale of personal property under tax assessment, all the interest in law and equity, of such institution, in any bond, bond and mortgage, note and other security or chose in action, in which such institution may have or claim an interest or so much thereof as may or shall be necessary to pay the taxes, assessed as aforesaid; and any purchaser of any such interest or claim, sold as aforesaid, shall have the same right and claim in and to the same as if he or she had an assignment from such institution of the interest or claim sold as aforesaid. Interest in bond note, &c., may be sold.

SEC. 3. *Be it further enacted,* That this act shall not be construed as a recognition by the State of the legal existence of any such institution in any question which may or shall be raised in any of the Courts of this State. Legal existence not recognised.

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Remedy in case
of illegal assess-
ment.

SEC. 4. *Be it further enacted*, That in all cases where assessments are made against any person or persons, body politic or corporate, and payment of the same may or shall be refused, upon allegation of the illegality of such assessment, such person or persons, body politic or corporate, may apply to the Judge of the Circuit Court, by Petition, setting forth the alleged illegality, and present the same, together with the evidence to sustain it, and the said Judge shall decide upon the same, and if found to be illegal, shall declare the assessment not lawfully made.

When in force.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage.

[Passed the Senate, December 16, 1847. Passed the House of Representatives, January 1, 1848. Approved by the Governor, January 4, 1848.]

CHAPTER 152. [No. 17.]

AN ACT making appropriations in part for the support of the State Government during the year ending on the thirty first day of October, A. D., 1848, and to supply the deficiencies unpaid during the last fiscal year.

Executive.

Judicial.

Quarter Mas-
ter.

Laws and re-
ports.

Supreme Court.

Register of Pub-
lic Lands.

Crim. pros. and
conting. expen-
ses of C. C.

Conting't fund.

Claims prior to
Nov. 1847.

Greater amount
not allowed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the following sums be and they are hereby appropriated out of any moneys in the Treasury not otherwise appropriated for the following purposes, to wit: For the salaries of the officers of the Executive Department, four thousand two hundred dollars. For the salaries of the four Judges of the Circuit and Supreme Court, the Attorney General, and four Solicitors, nine thousand and three hundred dollars. For the salary of the Quarter Master General, three hundred dollars. For the printing of the Laws of the present session, and the Reports of the Supreme Court, and the binding and publication of the same, eight hundred dollars. For the fees and per diem of the clerk of the Supreme Court, and the Sheriff of Leon county, while attending upon said court, and for the contingent expenses of said court, six hundred dollars. For the salary and traveling expenses of the Register of Public Lands, thirteen hundred dollars. For the expenses of criminal prosecutions and of civil suits in which the State is liable for costs and other expenses, and for the necessary contingent expenses of the Circuit Courts, eight thousand dollars. For the contingent expenses of the State Government, the sum of five thousand dollars, to be placed under the control of the Governor, and paid out upon his certificate and the warrant of the Comptroller of Public Accounts. For the payment of all claims against the State arising or accrued prior to the first day of November, A. D. 1847, fifteen thousand dollars.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the State Treasurer to pay out moneys, or issue treasury certificates,

for any amount beyond that appropriated by law under the respective heads of expenditure.

SEC. 3. *Be it further enacted*, That the State Treasurer shall open and keep on the books of his office an account to be styled the "Surplus Fund," to which shall be transferred all unexpended balances of appropriations and all moneys received into the Treasury over and above the amounts appropriated by law, and shall at each session of the General Assembly report the amount standing to the credit of that fund.

[Passed the House of Representatives, January 7, 1848. Passed the Senate January 8, 1848. Approved by the Governor January, 8, 1848.]

CHAPTER 153—[No. 18.]

AN ACT making appropriation to defray the expenses of the Third General Assembly of the State of Florida, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the following sums shall be appropriated for the pay and mileage of the members, and for other necessary expenses of the General Assembly, as follows, viz:

John Costin, No. of miles 1400, \$140; No. of days 48, per diem, \$144.

And that Francis Arnou receive compensation for 48 days, per diem, \$144; mileage, 252 miles, \$25—total \$169.

And that Stephen Richards receive compensation for four days, \$12; 250 miles, \$25—total \$37.

That there be allowed and paid William B. Lancaster, Chief Clerk of the House of Representatives, \$240.

O. M. Avery, No. of miles 540, \$54; per diem 48 days, \$144—total \$198.

Neill McMillan, No. of miles 500, \$50; per diem 48 days, \$144—total \$194.

Daniel G. McLean, No. of miles 300, \$30; per diem, 48 days, \$144—total 174.

Washington Tabor, No. of miles 230, \$23; per diem, 48 days, \$144—total \$167.

John Brett, No. of miles 180, \$18; per diem, 48 days, \$144—total \$162.

Robert J. Floyd, No. of miles 400, \$40; per diem 48 days, \$144—total \$184.

Joseph Austin, No. of miles 40, \$4; per diem, 48 days, 144—total \$148.

J. H. T. Lorimer, No. of miles 18, \$1 80; per diem, 48 days, \$144—total \$145 80.

J. H. Smith, No. of miles 60, \$6; per diem, 48 days, 144—total \$150.

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Appropriations.

- W. P. Moseley, No. of miles 130, \$13; per diem, 48 days, \$144—total \$157.
- Joseph B. Watts, No. of miles 200, \$20; per diem, 48 days, \$144—total \$164.
- J. P. Sanderson, No. of miles 280, \$28; per diem, 48 days, \$144—total \$172.
- Gabriel Priest, No. of miles 412, \$41 20; per diem, 48 days, \$144—total 185 20.
- H. H. Walker, No. of miles 64, 6 40; per diem, 48 days, \$144—total 150 40.
- George R. Fairbanks, No. of miles 550, \$55; per diem, 48 days, \$144—total \$199.
- S. L. Burritt, No. of miles 450, \$45; per diem, 48 days, \$144—total \$189.
- E. D. Tracey, No. of miles 440, \$44; per diem, 48 days, \$144—total \$188.
- Louis Aldrich, No. of miles 300, \$30; per diem, 48 days, \$144—total \$174.
- A. K. Allison, No. of miles 44, \$4 40; per diem, 48 days, \$144—total \$148 40.
- Charles Bannerman, No. of miles 32, \$3 20; per diem, 48 days, \$144—total \$147 20.
- E. E. Blackburn, No. of miles 72, \$7 20; per diem, 48 days, \$144—total \$151.
- M. J. Bryant, No. of miles 250, \$25; per diem, 48 days, \$144—total 169.
- W. A. Forward, No. of miles 550 \$55; per diem, 48 days, \$144—total 199.
- Isaac Garrison, No. of miles 600, \$60; per diem, 48 days, \$144—total 204.
- T. H. Hagner, No. of miles 0; per diem, 48 days, \$144—total \$144.
- Wm. Hancock, No. of miles 690, \$69; per diem, 48 days, \$144—total 213.
- P. Hobart, No. of miles 400, \$40; per diem, 48 days, \$144—total 184.
- A. E. Maxwell, No. of miles, 0; per diem, 48 days, \$144—total \$144.
- W. M. Maxwell, No. of miles 8, \$0 80; per diem, 48 days, \$144—total 144 80.
- B. J. J. Mitchell, No. of miles 150, \$15; per diem, 48 days, \$144—total 159.
- Joseph Quiggles, No. of miles 540, \$54; per diem, 48 days, \$144—total 198.
- John Scott, No. of miles 412, \$41 20; per diem, 48 days, \$144—total 185 20.
- J. D. Sheldon, No. of miles 1010, \$101; per diem, 48 days, \$144—total \$245.
- John Tanner, No. of miles 150, \$15; per diem, 42 days, \$126—total \$141.

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Appropriations.

- J. Waterston, No. of miles 424, \$42 40 ; per diem, 48 days, \$144—total \$186 40.
- M. J. Burnham, No. of miles 1400, \$140 ; per diem, 48 days, \$144—total \$284.
- D. Bradwell, No. of miles 50, \$5 ; per diem, 48 days, 144—total \$149.
- A. Collins, No. of miles 450, \$45 ; per diem, 48 days, \$144—total \$189.
- J. W. Cook, No. of miles 240, \$24 ; per diem, 48 days, \$144—total \$168.
- J. L. Crawford, No. of miles 50, \$5 ; per diem, 48 days, \$144—total \$162.
- Wm. Hall, No. of miles 180, \$18 ; per diem, 48 days, \$144—total \$149.
- S. T. Henderson, No. of miles 154, \$15 40 ; per diem, 48 days, \$144—total \$159 60.
- J. Higginbotham, No. of miles 480, \$48 ; per diem, 48 days, \$144—total \$192.
- M. M. Johnston, No. of miles 36, \$3 60 ; per diem, 48 days, \$144—total \$147 60.
- J. L. King, No. of miles 280, \$28 ; per diem, 48 days, \$144—total \$172.
- John R. Mitchell, No. of miles 1500, \$150 ; per diem, 48 days, \$144—total \$294.
- John Morrison, No. of miles 300, \$30 ; per diem, 48 days, \$144—total \$174.
- G. E. Overstreet, No. of miles 90 \$9 ; per diem, 48 days, \$144—total \$153.
- J. B. Lancaster, No. of miles 500 \$50 ; per diem, 31 days, \$93—total \$143.
- Joshua Taylor, No. of miles 56, 5 60 ; per diem, 48 days, \$144—total \$149 60.
- Thomas Ross, No. of miles 60 6 ; per diem, 48 days, \$144—total \$150.
- John Chain No. of miles 500 \$50 ; per diem, 48 days, \$144—total 194.
- G. H. Smith, No. of miles 160, \$16 ; per diem, 48 days, \$144 total \$160.
- James Shields, No. of miles 44, \$4 40 ; per diem, 48 days, \$144—total 148 40.
- Robert A. Hardee, services as Assistant Clerk of the House of Representatives, 48 days, \$192.
- Wilkinson Call, for services as Enrolling and Engrossing Clerk, 48 days, \$192.
- Samuel B. Foster, for services as Door-Keeper and Messenger, 48 days, \$144.
- Wm. J. Atwater, for services as Sargeant at Arms, 48 days, \$144.
- C. W. Downing, for services as Secretary of the Senate, 48 days, \$240.

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Appropriations.

Silas W. Sanderson, for services as Assistant Secretary of the Senate, 48 days, \$192.

Allen H. Bush, for services as Enrolling and Engrossing Clerk of the Senate, 48 days, \$192.

W. W. Taylor, for services as Sergeant at Arms of the Senate, 48 days, \$144.

Alexander G. McLean, for services as Messenger and Door-Keeper of the Senate, 48 days, \$144.

F. H. Rutledge, for services as Chaplain of the House of Representatives, \$50.

William Choice, for services as Chaplain of the Senate, \$50.

Messrs. Lynch & Vingerhoets, for repairs of desks, work done and articles furnished for General Assembly, \$24 62 and a half cents.

Allen H. Bush, for services, five days in Comptroller's Office, under a resolution of the Senate, as assistant in furnishing information called for by the General Assembly, \$20.

Sampson H. Butler, for services of servant Harry Hawkins, \$25.

Messrs. Lloyd & Flagg, for chairs furnished for the use of General Assembly, \$4.

Birchett & Lindenberger, for articles furnished General Assembly, \$5.

A. Bestwick, articles furnished General Assembly, \$44 25.

For Printing for House and Senate, viz: Joseph Clisby, Printer of the House, for printing for the same and the Journals, five hundred copies, (500 copies,) thereof \$1050 06. Sibley & Dyke, for printing for Senate, and the Journals, 500 copies thereof, \$1067.—*Provided*, that the accounts of said Printers shall be first audited by the Comptroller, and if found to conform to the terms of compensation prescribed, shall then be paid.

James Selby, for wood furnished for the General Assembly, \$60 90.

William Wilson, Adm'r for P. A. Hayward, account of, for Stationary furnished to the General Assembly, \$83 74, which said account shall be, before payment, audited by the State Comptroller, and such sum within this appropriation be allowed as may be found due.

[Passed House of Representatives, Jan. 8, 1848. Passed the Senate, Jan. 8, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 154.—[No. 19.]

AN ACT to amend an act entitled "an act to organize courts of Probate for the State of Florida."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the clerks of the circuit courts respectively in the absence, sickness or other

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disability, of the Judges of the courts of Probate, are authorized and empowered to discharge all the duties appertaining to said Judges in regard to the probate of wills, granting letters testamentary and letters of administration, appointing curators and guardians, and making all necessary orders in regard to the custody, preservation or sale of the estates of deceased persons, subject to revocation or confirmation by the said courts or Judges.

Clerks authorized to act as judge of Probate.

[Passed the Senate, January 7, 1848. Passed House of Representatives, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 155.—[No. 20.]

AN ACT to authorize Judges of Probate of the several counties in this State to appoint Guardians for free negroes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, free negroes and free mulattoes, over the age of twelve years, shall be required to have a Guardian, who may be selected by the free negro or free mulatto. And in case such free negro, or free children, shall be minors under the age of ten years, it shall be lawful for the father or mother, as the case may be, to choose a guardian for the same; and in all cases whatever the person chosen for guardian shall go before the judge of Probate of the county in which he or she may reside, and it shall be the duty of the judge of probate, if he shall be satisfied as to the fitness of such person, to give a certificate under his seal of office to the person so chosen as guardian; for which service the said judge of probate shall be entitled to the sum of three dollars, to be paid by such guardian.

Guardi'n of free negroes.

Duty of judge of Probate.

Sec. 2. *Be it further enacted,* That all guardians of free negroes, or free mulattoes, shall have power to sue for and recover all such sums of money as are or may hereafter be owing to such free negro, or free mulatto, and shall have the same control over such free negroes, or free mulattoes, as is possessed by guardians in other cases.

Powers of guardian.

[Passed the House of Representatives, January 5, 1848. Passed the Senate, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 156.—[No. 21.]

AN ACT to amend the several acts relative to county commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Boards of County Commissioners of the respective counties of this State be, and they are hereby, required to make out, at their an-

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Disbursem't of
County taxes.

Publication.

Grand jury to
examine.

nual meeting in September, a full and complete statement of all moneys collected by county tax, or otherwise received for county purposes, and the disbursement of the same; stating the name of each person to whom, and upon what account the same was paid, and the date of said payment, and they shall cause at least two copies of the same to be posted in two of the most public places in their said county, one of which shall be the Court house; and if there is a newspaper published in said county, they shall cause a publication of the said statement to be made, provided the expense of such publication shall not exceed the sum of ten dollars.

SEC. 2. *Be it further enacted*, That the said Board of County Commissioners shall be, and they are hereby, required to deliver to the Foreman of the Grand Jury, a copy of said statement, at the first session of the Circuit Court of said county next ensuing the time specified for making out said statement, and it shall be the duty of said Grand Jury to examine into the correctness of said statement, and report thereon to the Judge presiding at said court.

[Passed the Senate, December 11, 1847. Passed the House of Representatives, December 23, 1847. Approved by the Governor, December 27, 1847.]

CHAPTER 157.—[No. 22.]

AN ACT relative to Judges of Probate, County Commissioners and Sheriffs.

Duty of Sheriff.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That each and every Sheriff of the several Counties of this State, is hereby required to serve all legal process directed to him by the Judge of Probate, to attend the meeting, and to execute the orders of the Board of County Commissioners of the County for which he shall serve.

Board of C. C.
may punish
contempt.

SEC. 2. *Be it further enacted*, That each Board of County Commissioners in this State, shall have power to fine any person who may be guilty of contempt to their body, while in session, in a sum not exceeding twenty dollars, or to imprison such person not exceeding twenty-four hours, for such offence.

When sheriff
responsible as
adm'r.

SEC. 3. *Be it further enacted*, That from and after the passage of this act, no Sheriff shall be held responsible as Administrator *ex officio* of any estate, till he shall have been ordered, by the Judge of Probate of his County, to take charge of the assets of the person deceased.

Fees of sheriff
for services.

SEC. 4. *Be it further enacted*, That for services rendered to the Court of Probate, the Sheriff shall receive the same fees as are allowed for like services in the Circuit Court; and for services to the Board of County Commissioners, he shall be allowed such compensation out of the County Treasury as they shall deem proper.

SEC. 5. *Be it further enacted*, That the Judges of Probate shall have power to issue executions for costs which have, or shall hereafter accrue in their Courts.

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Execution.

[Passed the House of Representatives, January 3, 1848. Passed the Senate, January 5, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 158. [No. 23.]

AN ACT to provide for the qualifications and to prescribe the duties for Clerks, Sheriffs, and County Commissioners, elected on the first Monday in October 1847, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Clerks of the Circuit Courts elected in the several counties of this State on the first Monday in October, A. D. 1847, and hereafter to be elected, shall hold their office for the term of two years, and shall qualify and give bonds, with surities, to be approved in the manner prescribed, and shall perform the duties, and be subject to the penalties, and in every respect (save with respect to fees of office, for which they shall have reference to laws now in force) shall be governed by the provisions of the tenth, eleventh, thirteenth and fourteenth sections of an act entitled, "An Act to organize the Circuit Courts of the State of Florida," approved July 22, 1845, as made for the Government of Clerks and Sheriffs elected on the first Monday in October, A. D. 1845.

Term of sheriffs.

Bond.

Duties.

SEC. 2. *Be it further enacted*, That Clerks of the Circuit Courts and Sheriffs, elected on the first Monday in October, A. D. 1847, who shall have qualified in accordance with the provisions of the above enumerated sections of said Act, approved July 22, A. D. 1845, and shall have taken the oath prescribed by the Constitution of this State to be taken by all officers, are hereby declared to be duly and legally qualified for the performance of the duties of their respective offices, and no farther or other qualification shall be necessary.

El'ct'n of made legal.

SEC. 3. *Be it further enacted*, That County Commissioners elected on the first Monday in October, A. D. 1847, and hereafter to be elected, shall hold their office for the term of two years, and in all respects be governed by, and subject to, the provisions of an act entitled, "An act to organize the Board of County Commissioners in the several Counties of this State," approved July 26, 1845, as prescribed for the government of County Commissioners elected on the first Monday in October, A. D. 1845; and Commissioners elected on the first Monday in October, A. D. 1847, who may have qualified in accordance with the provisions of said Act, approved July 26, 1845, are hereby declared duly and legally qualified for the performance of their respective duties.

Of C. Commis-sioners.

1847.

Acts of legal-
ized.

SEC. 4. *Be it further enacted*, That all acts, proceedings of said Clerks, Sheriffs and Commissioners elected on the first Monday in October, 1846, done and had by virtue of said election, and in good faith, and in compliance with the provisions of the above enumerated Sections, and who shall have taken the oath prescribed by the Constitution aforesaid, be, and the same are hereby declared legal and valid, and that no suit or suits, proceeding, action or actions, shall be had or maintained against them for, or on account of the aforesaid acts or proceedings.

[Passed House of Representatives, Dec. 27, 1847. Passed the Senate, Jan. 6, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 159.—[No. 24.]

AN ACT to amend an act entitled, "An act to establish a Tariff of Fees," approved January 6, 1847.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter Judges of Probate in this State shall be allowed the sum of three dollars for examining, auditing and passing every annual settlement of Administrator's, Executor's and Guardian's accounts, and no other fees whatsoever for this service.

Fee for auditing
annual settle-
ment of adm'r,
&c.

SEC. 2. *Be it further enacted*, That the Clerks of the several Circuit Courts in this State, for calling and swearing the Grand Jury, at each term of the Court, shall be allowed the sum of seventy-five cents, and no other fees whatsoever for this service.

For swearing
grand jury.Witn'sses inclu-
ded in one sub-
pœna.

SEC. 3. *Be it further enacted*, That the Clerks of the Circuit Courts are hereby required, where there is more than one witness to be subpœnæd in a criminal case, or to go before the Grand Jury, to include them all in the same subpœna, when the same can be done.

One per diem
and mileage on-
ly allowed.

SEC. 4. *Be it further enacted*, That no witness subpœnæd in two or more criminal cases pending at the same time, shall be paid more than one charge for per diem and mileage; and in all cases it shall be the duty of all witnesses subpœnæd, once in the case, to attend at each succeeding term of the Court without a further subpœna, until the case shall be disposed of: *Provided*, that in cases where the costs are thrown upon the defendant, the said costs may be charged in full against each of them as heretofore.

To attend each
court.Crimin'l docket
tried first.

SEC. 5. *Be it further enacted*, That all cases on the criminal docket, at each term of the Circuit Court, shall be tried first, if the same can be so tried without injury to the interests of the State or the prisoner: *Provided*, that the cases presented during any term by the Grand Jury, may be tried, if proper, at any time during the same term.

SEC. 6. *Be it further enacted*, That no charge for rent of Court House, Jail room, or other house for confining prisoners, or for

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guarding prisoners any longer than it may be necessary for transferring such prisoner to a jail or place of safe-keeping, or during the session of Court at which such prisoner may be arraigned, or to which he may be brought for trial, shall be allowed against the State.

Rent of court house, guarding prisoner, &c.

SEC. 7. *Be it further enacted*, That in all capital cases, the costs, in cases of conviction, shall be entered up against the prisoner or defendant; and the bill of costs, when taxed by the Clerk, and certified in the manner now required by law to give a bill of costs the force of an execution, shall have the force of an execution, and may be levied upon any property of the prisoner or defendant found in the State: *Provided*, that if the Sheriff shall return said bill, to the office of the Clerk, and make affidavit thereon that sufficient property cannot be found to pay the same, and state in such affidavit the amount left unpaid after exhausting all the property found, the said bill, or the balance unpaid thereon, shall then be audited by the State Comptroller, and such amount as he may allow, shall be paid out of the State Treasury.

Costs in criminal cases.

When state shall pay.

SEC. 8. *Be it further enacted*, That all accounts for costs in Criminal Cases, where they are payable by law out of the State Treasury, shall be sworn to by the claimant, certified to be correct, and the charges proper, by clerk of the court at which such costs may accrue, before the same shall be audited by the State Comptroller.

Certificate to bill of costs.

SEC. 9. *Be it further enacted*, That all laws, or parts of laws, which conflict with the true intent and meaning of this act, be, and the same are hereby, repealed.

Repeal.

[Passed the House of Representatives, January 5, 1848. Passed the Senate, January 7, 1848. Approved, January 8, 1848.]

CHAPTER 160.—[No. 25.]

AN ACT to repeal "an act entitled, an act to amend an act to establish a Tariff of fees. Approved February 15, 1834," and which was approved December 27, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act which passed the Senate and the House of Representatives of the State of Florida, December 26, 1845, and approved by the Governor of said State, December 27, 1845, to pay the Juries, under such rules and regulations as shall be prescribed by the Board of county Commissioners of the respective counties, be, and the same is hereby repealed.

Repeal of act specified.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, January 3, 1848. Approved by the Governor, January 8, 1848.]

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CHAPTER 161.—[No. 26.]

AN ACT to regulate the Fees of Collecting Officers in certain cases.

Fees for collecting under execution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That from and after the passage of this act, no Sheriff, Deputy Sheriff or Constable, shall be entitled to fees for the collection of money under execution or attachment, unless the money is actually collected and received by him.

Repeal.

SEC. 2. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 7, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 162.—[No. 27.]

AN ACT to ascertain the number of White Children between the ages of six and eighteen years, and to obtain information respecting the Common School Lands.

White children who can read and write, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Tax Assessors and Collectors of the several counties to furnish to the Secretary of State by the fourth Monday of November next a list of all white children in their county between the ages of six and eighteen years, the number as near as can be conveniently done, in each Township, stating also the number which can read and write, the number that can read but cannot write, and the number which can neither read or write.

Condition of 16th sections.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Tax Assessor and Collector to furnish to the Secretary of State a statement of the condition of the 16th Sections and fractional Sections in his county, how many are valuable, and what their value, under whose charge they have been placed, how many are under cultivation, and by whom cultivated, and in whose hands the fund derived from the 16th section is placed.

Compensation.

SEC. 3. *Be it further enacted,* That the Tax Assessor and Collector shall receive for performing the duties required of him by this act five cents for every child, and fifteen cents for every 16th, in his county about which he shall give the information required.

Blank forms.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Secretary of State to furnish to the different Tax Assessors and Collectors, blank forms, suitable for carrying into effect the intent and meaning of this act.

Oath and penalty of neglect.

SEC. 5. *Be it further enacted,* That the Tax Assessor and Collector before entering upon the duties herein assigned him shall take and subscribe an oath before some judicial officer, faithfully to

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perform the duties required by this act, and on failure to perform said duties shall be liable to indictment for a misdemeanor, and fined in a sum not less than ten nor more than fifty dollars, at the discretion of the court.

[Passed the Senate, January 5, 1848. Passed the House of Representatives, January 8, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 163.—[No. 28.]

AN ACT for the relief of Settlers on Public Lands, and to grant pre-emption rights in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any actual settler, being the head of a family, or over twenty-one years of age, and a housekeeper, who is now in possession of any land that has been, or shall hereafter be selected for this State for Seminaries of Learning or for purposes of Internal Improvement, shall be, and is hereby authorized to enter with the Register of Public Lands for Florida, by legal sub-divisions, any number of acres not exceeding a quarter section, or one hundred and sixty acres, to include the improvements of such settler: *Provided,* That all settlers on lands selected as aforesaid previous to the passage of this act, shall, within six months after the passage of the same, pay to the said Register one-fourth of the purchase money in specie or in notes of specie paying banks, at the rate of one dollar and twenty-five cents per acre, and give bonds for the other three-fourths, payable in three equal annual instalments, with interest at the rate of six per cent, payable annually in advance. And the purchaser shall receive from the Register a certificate of the payment with a description of the lands; which certificate may be transferred by endorsement: And upon the payment of the whole of the purchase money, the purchaser, his heirs, or assigns, shall receive from the Register, a deed conveying the land in fee simple; but upon default in the payment of any instalment, or interest thereon, for sixty days after the same becomes due, the purchaser, his heirs and assigns shall forfeit the sum or sums previously paid, and the land shall revert to the State, and be resold at the risk of the purchaser, his heirs and assigns, who shall be responsible for the balance, if there be any necessary to make up the amount of principal and interest due, by virtue of the original sale. And provided further, that all such settlers occupying and in possession of land that may hereafter be selected as aforesaid, shall, within six months after they shall be notified, by the said Register of said selection, pay to him one-fourth of the purchase money, at the rate aforesaid per acre, and give bonds, as hereinbefore provided, for the other three-fourths. And provided further, that, in case any settler on that portion of territory now in dispute between this State and the State of Georgia, or the fractions that have not been offered

Who may enter and number of acres.

Terms of entry.

Certificate.

Default in pay't

Settlers on land hereafter selected.

Of settlers on line between Geor. and Flor.

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for sale, lying immediately on the line that now divides the said States, should after the adjustment of said dispute, wish to avail themselves of the privileges granted by this act, he, she or they, shall be entitled to the same upon complying, within six months after said adjustment, with the terms and conditions hereinbefore prescribed.

Oath.

SEC. 2. *Be it further enacted*, That every person who shall claim the privileges granted by this act shall take and subscribe the following oath or affirmation before the Judge of Probates, if there be one in the County where the land lies, or if there be no such Judge, before the Judge of an adjacent County, or before one of the Judges of the Circuit Courts, viz: I of county of Florida, do swear, (or affirm,) that on and previous to the day of I resided on (or cultivated) a part of, or the whole of the quarter of Section Township Range, that I have occupied and still occupy the said land, with the bona fide intention of residing on and cultivating it, and not for the purpose of speculation; and that I own no land in the State of Florida, the title to which I have acquired since the passage of the armed occupation act, either under the provisions of said armed occupation act, or under any pre-emption law of the United States. Sworn to and subscribed the day of A. D. before me, Judge, &c.

Penalty for
swearing false-
ly.

Of forgery.

SEC. 3. *Be it further enacted*, That every applicant for the privilege granted by this act, shall file the above oath or affirmation with the State Register, and any and every person swearing or affirming falsely in the premises, shall be deemed guilty of perjury and subject to the same punishment and to all the pains and penalties to which persons who are guilty of perjury are by law subject, and on conviction shall be punished accordingly; and if guilty of forgery in the matter of the oath or affirmation, shall be subject to the punishment, pains and penalties now by law consequent upon the commission of the crime of forgery, and shall on conviction be punished accordingly; and in case of conviction of either of said offences, shall also forfeit all right to the land, with respect to which said perjury or forgery shall be committed; and the said land shall revert to the State, unless the same shall have been sold to a bona fide purchaser, without notice of said perjury or forgery, of no kin to the pre-emptor and for a good and valuable consideration.

Certificate
to purchaser.

SEC. 4. *And be it further enacted*, That the Register of Public Lands shall give to purchasers under this act, the same certificates or other evidences of purchase that he is required by law to give to other purchasers of State Lands.

[Passed the House of Representatives, January 3, 1848. Passed the Senate, January 6, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 164.—[No. 29.]

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AN ACT to amend an act to provide for the sale of the Lands granted to the State for the purposes of Internal Improvement.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all Internal Improvement Lands shall be first offered at Public Auction, after three months notice in one or more newspapers, (one, if there be one in the County where the land lies,) and sold to the highest bidder over the minimum price established by law; and such sales shall take place within the usual hours and at the usual place for Sheriffs' sales of the County in which the land is offered. The terms of sale shall be as follows: One-fourth of the purchase money in cash or bonds of the purchasers; the other three-fourths in three equal annual instalments, with interest from the date of sale, payable annually in advance, and the purchaser shall receive a certificate of the payment made, with a description of the land, which certificate may be transferred by endorsement; and upon payment of the whole of the purchase money, the purchaser, his administrators, executors, heirs and assigns, shall receive from the Register of Public Lands for the State of Florida, a title deed conveying said lands in fee simple to said purchaser, his administrators, executors, heirs and assigns; but upon default in the payment of any credit instalment, or interest for the space of sixty days after the same is due the purchaser, his administrators, executors, heirs or assigns, shall forfeit the sum or sums previously paid, and the said lands shall be resold at his, her or their risk, upon such terms as will meet the payments called for and remaining due from the original sale; of which sale, the like public notice shall be given as required at the first sale. *Provided also,* That no extension shall be had by the purchaser, or his representatives, or assigns, from the State, for the three-fourths in the equal annual instalments, but that they must be paid as they severally fall due; and if any purchaser shall prefer to pay the whole price in cash, he shall be entitled to a discount of five per cent on the credit instalments.

SEC. 2. *Be it further enacted,* That the second, third and fourth sections of the act to which this is an amendment, be, and the same are hereby repealed: *Provided,* That nothing herein contained, shall be so construed as to conflict with any pre-emption law passed, or which may be passed by this, or any future Legislature.

[Passed House of Representatives, Dec. 27th, 1847. Passed the Senate, Dec. 31, 1847. Approved by the Governor, Jan. 8th, 1848.]

CHAPTER 165.—[No. 30.]

AN ACT to define and settle the boundary between the States of Florida and Alabama.

SECTION 1. *Be it enacted by the Senate and House of Represen-*

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Ratification
line.

tatives of the State of Florida in General Assembly convened, That the State of Florida doth hereby ratify, confirm and adopt the agreement of James T Archer, Commissioner on the part of said State, heretofore appointed to act with a similar Commissioner on the part of Alabama, to define and mark the boundary line between said States, made with James M. Calhoun, Commissioner for Alabama, and subscribed by said Archer at Tallahassee, Florida, on the twenty-seventh day of March, and by said Calhoun at Richmond, Dallas county, Alabama, on the twentieth day of April, in the year of our Lord one thousand eight hundred and forty-seven.

Line.

SEC. 2. *Be it further enacted, That in accordance with said agreement, the line commencing on the Chattahoochie River near a place known as "Irwin's Mills," and running West to the Perdido, marked throughout by blazes on the trees; and also by mounds of earth thrown upon the line, at distances of one mile, more or less, from each other, and commonly known as the "Mound Line" or "Ellicotts Line," and by these names distinguished from another line above, running irregularly at different distances (not exceeding one and a half miles) from the "mound line," and marked by blazes only, and known as the "Upper Line," or "Coffee's Line," shall be deemed, taken and declared, and is hereby deemed, taken and declared, to be the boundary line between the States of Florida and Alabama, and shall be deemed and taken as such by the authorities of this State, upon the adoption and ratification thereof by the authorities of the State of Alabama.*

Copy to be
transmitted to
Governor of Al-
abama.

SEC. 3. *Be it further enacted, That the Governor of this State shall transmit to the Governor of Alabama a copy of this act; and shall also, whenever he may be advised that the State of Alabama has ratified the agreement of her Commissioner, make proclamation of the fact in all the news-papers of the State in which he shall set forth the line herein declared to be the boundary line, and proclaim that it shall be henceforth deemed and taken by all the authorities and people of this State as the true and only boundary line between the States of Florida and Alabama.*

[Passed the Senate, January 3, 1848. Passed the House of Representatives, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 166.—[No. 31.]

AN ACT to amend an act entitled, "An act to provide for the Election of Electors of President and Vice President of the United States, approved January 6, 1847.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That so much of the second section of the act to which this is an amendment as provides for holding an election for Electors of President and Vice*

Repeal.

President of the United States, on the thirty-fourth day preceding the first Wednesday in December, unless it should be on a Saturday or Sunday, and in that event on the succeeding Monday, be, and the same is hereby repealed.

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SEC. 2. *Be it further enacted*, That said election shall take place on the Tuesday next after the first Monday in November in the year eighteen hundred and forty-eight, and in every fourth succeeding year; and they shall be held in the same manner, and under the regulations prescribed by the act to which this is an amendment, and the said act shall in all other respects remain unimpaired, and be construed in reference to the amendment herein made.

[Passed the Senate, Dec. 8, 1847. Passed House of Representatives, Dec. 17, 1847. Approved by the Governor, Dec. 21, 1847.]

CHAPTER 167.—[No. 32.]

AN ACT relative to the duties and compensation of the Adjutant and Inspector General of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That so much of the act entitled "an act to organize the Militia of the State of Florida," and approved December 27, 1845, as requires the Adjutant and Inspector General to attend the muster of each Regiment in the State once in four years, gives him the power, under certain circumstances, to assume the direction of the drill of the officers, and charges him with the marshaling and inspection of the troops, be, and the same is hereby repealed.

Not to attend musters, &c.

SEC. 2. *Be it further enacted*, That the duty heretofore imposed upon the Adjutant and Inspector General, of inspecting the Militia of this State, shall devolve upon, and be discharged by, the Brigade Inspectors, within their respective Brigades annually, and they shall attend the musters of the several Regiments in their Brigades for that purpose, and report the result to the Adjutant and Inspector General at Tallahassee.

Duty, by whom performed.

SEC. 3. *Be it further enacted*, That so much of the act approved December 27, 1845, as allows to the Adjutant and Inspector General the Salary of five hundred dollars per annum, be and the same is hereby, repealed.

Salary.

[Passed by the Senate, December 11, 1847. Passed by House of Representatives, December 20, 1847. Presented to the Executive for approval, Dec. 21, 1847.]

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CHAPTER 168.—[No. 33.]

AN ACT to provide a Salary for the Quarter Master General and for other purposes.

Compensation. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That there shall be paid out of the State Treasury, the sum of two hundred and fifty dollars to George W. Hutchins, for his services as State Armorer for the year 1847.

Public arms under care of the Quarter Master General. SEC. 2. *Be it further enacted,* That hereafter the Public Arms of this State shall be under the care and direction of the Quarter Master General of this State, and so soon as a room shall be fitted up in the Capitol, said arms and equipments shall be removed to it, and that there be paid yearly to the said Quarter Master General the sum of three hundred dollars for this and other duties appertaining to his Office.

Room. SEC. 3. *Be it further enacted,* That it shall be lawful for the Quarter Master General to cause the west half of the centre hall on the upper floor of the Capitol, to be fitted up in such a manner as he may deem necessary and best, for the safe-keeping and preservation of the Public Arms and equipments of this State, and that there be appropriated for said repairs the sum of 150 dollars, to be paid out of the Treasury of this State, from any moneys not otherwise appropriated to said Quarter Master General, upon the presentation of proper vouchers for said repairs.

Rent. SEC. 4. *Be it further enacted,* That the Treasurer of this State pay out of any monies not otherwise appropriated of the treasury, the rent now due or hereafter to become due, for the building wherein said arms are now deposited, at such rate or price as was stipulated therefor.

[Passed House of Representatives, Dec. 31, 1847. Passed the Senate, Jan. 4, 1848. Approved by the Governor, Jan. 6, 1848.]

CHAPTER 169.—[No. 34.]

AN ACT to improve the navigation of the Suwannee River.

To whom privileges are conferred. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any five persons, a majority of whom shall be residents of the State of Florida, who shall first signify their desire and intention to avail themselves of the provisions of this Act by filing a certificate of such their intention in the Clerk's office of the counties of Madison, Columbia and Hamilton, shall have the exclusive privileges conferred by this act, and they and such other persons as they may elect to associate with them, and their successors or assigns, for the purpose of removing the obstructions and rendering navigable the

Suwannee River, and for the purpose of navigating the same, upon said association making and filing in the office of the Secretary of State, within twelve months from the passage of this act, and also in the counties of Madison, Hamilton and Columbia, a certificate, signed or sworn to by one or more of said association, stating the following particulars:

1st. The names and places of residence of all the copartners or associates, and the name or style of the copartnership or company. Particulars.

2nd. The amount of capital of such company contemplated to be paid in and employed in such enterprise and if divided into shares, the number and value of the shares or proportion of each partner.

3d. Stating who are general and who are special or limited partners in such association, and the relative proportion or shares of each in such association or company, and the amount contributed, or agreed to be contributed by each.

4th. The time for which such partnership shall continue.

Provided, that the provisions of this act shall be and they are hereby made applicable to the Ocklocknee River so far as may be, Ocklocknee river by persons desirous of availing themselves thereof, in the same manner as prescribed in the foregoing part of this section in relation to the counties of Madison, Hamilton and Columbia.

SEC. 2. At least two or more of such partners, being citizens of the United States, shall be general partners and liable generally for the debts of the company or association contracted during the period of his, her or their being partners in said company, and all shall be considered as general partners, unless particularly named as special or limited copartners in the certificate aforesaid, and also in the sale and transfer of the whole or any portion of his, her or their stock or interest in said company or association and in case they are so named and described, then such special or limited copartners shall not be personally liable for the debts of said company or association, but only liable to the extent of his, her or their interest invested therein, or capital contributed or agreed to be contributed by them respectively.

General and
special part-
ners.

SEC. 3. *Be it further enacted*, That the said company or association, having filed their certificate, as aforesaid and shall actually have commenced clearing out the Suwannee River by removing rocks, snags and shoals which obstruct the navigation of said river, at a low stage of water, from the mouth of said river to Columbus, situated at the junction of the Suwannee and Withlacoochee rivers, within one year from the time of filing their said certificate and shall bona fide, with reasonable diligence, when practicable, continue removing said obstructions in said river, between the points aforesaid, and complete the same within five years therefrom, or within such further reasonable time, not exceeding ten years in all, that the Governor of this State for the time being may grant, if they are unable with reasonable diligence, as aforesaid to complete the same within five years, so as to admit a steamboat of suitable draft of water and convenient size or dimensions, with suitable machinery and power Duty of.

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Privileges.

for navigating said Suwannee River and capable of carrying seventy-five tons burthen, to navigate said river at or about the lowest stage of water, shall have the sole and exclusive right of navigating said Suwannee River with steam-boats and all other boats and vessels, and the sole and exclusive right and privilege of collecting and receiving all freight and charges (at the rates or prices hereinafter mentioned) upon all property transported upon the said Suwannee River for the space and term of twelve years, after such obstructions shall have been removed saving and excepting to all persons whatever, the right and privilege of rafting lumber and timber, and all such charges for freight shall not exceed the charges or average rate of charges heretofore charged or allowed upon said river for freight transported in like manner, unless a special agreement be made to the contrary and excepting from such exclusive use, all of such river and its tributaries as shall lie below any such obstructions which require removal.

Exception.

Title to real estate, &c.

SEC. 4. *Be it further enacted*, That the title to any real estate, vessel or other property, which may be purchased or owned by said company or association may be held by any one or more of the partners, or any other person or persons to be designated by their articles of association, but a majority in interest of the partners or shareholders may afterwards designate any other person or persons for that purpose, if in their judgment the interests of said company or association require it, in such case a certificate of such designation or appointment, shall be duly filed in each of the Clerks offices aforesaid.

Manner of doing business.

SEC. 5. *Be it further enacted*, That a majority in interest of the partners or shareholders in said company or association shall have power to determine the mode and manner of doing business, the rules forms and business to be transacted and pursued, appoint and pay such officers and men as they may find necessary to employ, make contracts, contract debts, use and dispose of the same and also the money, property and credit of the said company or association, as to them may seem proper for the interest and benefit of said company or association.

Debt and liabilities.

SEC. 6. *Be it further enacted*, That no partner or shareholder in said company or association shall by reason thereof be authorized or empowered to contract debts or create liabilities obligatory upon the said company or association, or manage the affairs of business of said company unless authorized and empowered in writing to do so by a majority in interest of the partners or shareholders, who may appoint one or more of the partners or shareholders, or any other person or persons, to act as managers or agents of the said company or association; in that case a certificate of such appointment shall be duly filed in the Clerk's office of the counties of Madison, Hamilton and Columbia; and the said managers, agents or other officer, when duly authorized, shall be deemed competent to contract debts and create liabilities on the part of said company or association, and manage its affairs as between themselves and the public to the extent of the authority conferred upon them or either of them, and when

Liability.

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any changes may be made in the managers, agents or other officers, by a majority in interest of the copartners or shareholders of said company or association, either by the appointment of new ones or the substitution of one for the other, due notice thereof shall be given by filing in each of the Clerk's offices aforesaid, a certificate of such change or appointment.

SEC. 7. *Be it further enacted*, That any partners or shareholders of said company or association may sell and transfer his, her or their shares or interest in such copartnership or association to any other person or persons; in such case, due notice of such transfer and sale shall be filed in each of the Clerk's offices aforesaid, signed by the purchaser or purchasers, or by his, her or their duly authorized agent, stating the number and kind of shares or proportions thus transferred. Sale or transfer of shares.

SEC. 8. *Be it further enacted*, That the said company or association may sue and be sued, answer and be answered unto in any Court of Record by the company or association without naming all the parties in the writ or process, or proceedings; and service of the process in any civil suit on any one of the managers shall be deemed sufficient, and shall have the same effect as though served upon all the partners, unless a majority in interest of the said partners or shareholders shall designate in the articles of association or otherwise some particular person, manager, officer or other agent, on whom all writs or process shall be served. In such case, such service shall be made upon the person so designated: *Provided*, A certificate in writing, specifying such designation, shall be duly filed in each of the Clerks' offices hereinbefore mentioned, and the partnership property of the said company or association as well as the individual property of the general partners shall be liable to any execution issued upon any judgment which may be obtained in any civil suit or proceedings thus instituted in the same manner as though all the copartners had been served with the process, and any suit, action or proceeding brought, commenced or prosecuted by the said association in their copartnership name, style or firm in any court whatsoever, shall be deemed lawful, and also as valid and effectual, to all intents and purposes, as though all the partners were named in such suit, action or proceeding, and the death of any partner or the addition of any new partners during the pendency of any civil suit, action or proceeding, by or against such partnership or association shall not abate such suit or proceeding or affect the same in any manner, nor shall the death of any partner or shareholder dissolve the said association or company, or affect the rights and privileges of any of the said partners or the association, but the interest of any deceased partner or shareholder, shall descend to his, her, or their legal representative, as in other cases, as provided by law. May sue, &c., without naming all the parties.

Certificate.

Property lia.

Death or addition of new partners.

Certificate.

SEC. 9. *Be it further enacted*, That upon filing said certificate hereinbefore named, and organizing said company, a majority in interest of the partners or shareholders may cause to be issued to any partner or shareholder, a certificate signed by one or more offi-

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cers of said association or company, specifying the interest or number of shares owned or belonging to any partner in said company, and also whether such partner be a special or limited or general partner.

Bound to sell and transfer to State. SEC. 10. *Be it further enacted*, That if at any time after said company have completed the cleaning out of said river, in the manner prescribed in the third section of this act, the State of Florida shall signify a desire to purchase and own the same—which desire shall be manifested by joint resolutions of the legislature, and approved by the Governor—then and in that case said company or association shall be bound to sell and transfer to the State all their right, right and interest in the exclusive navigation of said river, with the value of the same secured to them under the third section of this act, upon receiving from the State a fair equivalent therefor, and the full amount of all expenditures and disbursements, and of all outlays for labor and services by them in respect thereof, together with such other improvements as said company may make thereon, with eight per cent. interest upon the amount of such outlays, disbursements and expenditures from the time of making the same, the amount of such outlays, disbursements and expenditures and interest, to be agreed upon and ascertained by four commissioners, two of whom to be appointed by the said company and two by the then Governor of the State of Florida; and in case of said commissioners not being [able] to agree among themselves—after having examined all persons offered as witnesses, and taken all the evidence of whatsoever nature in their power to procure, touching the matter in controversy—said commissioners to choose a fifth man, and their decision, or a majority of them, shall be final.—Such commissioners shall proceed with all practicable diligence to hear and determine the matters in controversy, and make a report thereof in writing to the Governor of this State, when they or a majority of them shall have finally agreed upon all matters submitted to them for their decision—and either of said commissioners may administer an oath to any witness or person or persons offered as witnesses, in the matter aforesaid.

Commissioners.

Not agreeing.

Oath.

Subject to amendment, &c. SEC. 11. *Be it further enacted*, That this act shall be subject to amendment, modification or repeal by a majority of all the members elected to any two succeeding General Assemblies of this State.

Certified copies of Certificates. SEC. 12. *Be it further enacted*, That certified copies of all certificates or other instruments in writing that may be filed in either of the Clerks offices aforesaid, pursuant to the provisions of this act, certified by the Clerk of such County having charge thereof, shall be deemed and taken as *prima facie* evidence of the facts therein contained, and may be read as such evidence in any court, suit, action or proceeding whatsoever.

Not to interfere with bridges, &c. SEC. 13. *Be it further enacted*, That nothing herein contained shall be so construed as to permit said association at any time, or under any circumstances, to interfere in any manner whatsoever, with any bridge or bridges that may be now established or that may

be directed to be established by the proper authorities, across the Ocklocknee river.

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SEC. 14. *Be it further enacted*, All laws and parts of laws conflicting, or inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 15. *Be it further enacted*, This act shall take effect immediately after its passage. To take effect.

[Passed the Senate, January 6, 1848. Passed the House of Representatives, January 8, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 170.—[No. 35.]

AN ACT to declare Pittman's Creek, in Walton County a Navigable Stream.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William Keeth, of Walton County, be and he is hereby allowed and authorized to clear out all obstructions in the way of Navigation in Pittman's Creek, from its junction to the said Keeth's Mill, so as to render it navigable; and after said obstructions shall have been removed, it shall be considered a navigable stream: *Provided*, however, that this act shall not be so construed as to interfere with any bridge or bridges, or public highway that may be lawfully ordered to cross said Creek. Authorized to clear obstructions in Pittman's Creek.

[Passed the House of Representatives, Dec. 27th, 1847. Passed the Senate, Dec. 30th, 1847. Approved by the Governor, Jan. 3d, 1848.]

CHAPTER 171.—[No. 36.]

AN ACT to authorize the Treasurer of Alachua County to pay over to the Treasurer of Marion County, the amount of the County tax in his hands, assessed and collected upon lands lying in Marion County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Treasurer of Alachua County is hereby authorized and directed, on or before the first day of March next, to pay to the Treasurer of Marion County so much money as may be in the hands of said Treasurer of Alachua County, as may have been collected, as a County tax, on that portion of the grant known as the "Arredondo Grant," comprising a part of Alachua and Marion Counties, situated in Marion County aforesaid, according to the assessment of Alachua County. Duty of Treasurer of Alachua County.

SECTION 2. *Be it further enacted*, That in the ascertainment of the quantity or number of acres situated in Marion County as aforesaid, the Treasurer of Alachua County shall be governed by the Treasurer to be governed by.

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Maps or Plats of said grant, made according to the survey and partition of said grant by Henry Washington and others, as Commissioners under a late decree for the partition of said grant, made by the District Court for the then District of East Florida.

Duty of claimants and owners.

SEC. 3. *Be it further enacted*, That until the partition of said grant shall be perfected, and the interests of the claimants thereto permanently located, it shall be the duty of the claimants, or owners thereof, to divide their interests therein, into the same proportions as the said grant is divided by the line dividing Alachua and Marion Counties, which interests said grant according to said Map, and make return of the smaller portion to the person charged with the assessment of County taxes in Marion County; and of the larger portion to the person charged with the assessment of County taxes in Alachua County, and pay County taxes due thereon to the proper officer in each County, in the manner and within the time now, or hereafter to be prescribed by law.

Double tax.

SEC. 4. *Be it further enacted*, That a double County tax shall be assessed and collected on persons failing to comply with the provisions of this act.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, December 27, 1847. Approved by the Governor, January 1, 1848.]

CHAPTER 172.—[No. 37.]

AN ACT to exempt the Citizens of Levy County from serving as Jurymen beyond the limits of said County.

WHEREAS, The citizens of Levy County labor under great and serious inconvenience, on account of having to travel a distance of seventy-five miles and upwards, to attend the Circuit Court in Alachua County: And whereas, a large portion of the citizens of said County are deprived of the facilities of travelling on account of unavoidable circumstances: therefore,

Exemption.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the citizens of Levy County shall be, and they are hereby, exempt from serving as Jurymen beyond the limits of the aforesaid County.

[Passed the House of Representatives, Dec. 20, 1847. Passed the Senate, Dec. 23, 1847. Approved by the Governor, January 1, 1848.]

CHAPTER 173.—[No. 38.]

AN ACT in relation to roads in Columbia County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That so

much of the law now in force as requires the public roads to be cut thirty feet in width, be and the same is hereby declared inoperative in Columbia and Nassau Counties; and the citizens of said Counties shall be required to cut the roads in said Counties twenty feet in width. Law inoperative.

[Passed the Senate 9th December, 1847. Passed the House of Representatives, 27th December, 1847. Approved by the Governor, January 3, 1848.]

CHAPTER 174.—[No. 39.]

AN ACT in relation to roads and highways in the Counties of Washington, Benton and Hamilton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Counties of Washington, Benton and Hamilton, shall be exempted from the operation of so much of an act entitled, "An act concerning roads and highways," approved Dec. 27th, 1845, as requires that all public roads shall be thirty feet wide; and that hereafter the public roads in said Counties, shall be twenty feet wide, and all settlement roads shall be fifteen feet wide. Exemption.

[Passed the House of Representatives, Dec. 20, 1847. Passed the Senate, December 24, 1847. Approved by the Governor, December 28, 1847.]

CHAPTER 175.—[No. 40.]

AN ACT to exempt the inhabitants of Amelia Island, in the County of Nassau, from working on the roads on the main land in said County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the inhabitants of Amelia Island, liable to work on the roads, are hereby exempted from working upon the roads on the main land for the term of three years from and after the passage of this act. Exemption.

SEC. 2. *Be it further enacted,* That all laws conflicting with this act be, and the same are hereby repealed. Repeal.

[Passed the Senate, December 28, 1847. Passed the House of Representatives, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 176.—[No. 41.]

AN ACT to organize the county of Holmes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the county of Holmes be and is hereby declared to be estab-

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- Bounds.** lished, and shall be bounded as follows; Commencing at the Alabama line where it crosses Holme's Creek, thence down said creek to the line of Washington county, thence west on said line to the Choctawhatchee river, thence down said river to the dividing line between the third and fourth townships of Walton County, thence west on said line to the line dividing centrally the eighteenth Range of said County of Walton, thence due north by the said last mentioned line to the Alabama line, thence east on said line to the beginning.
- Duty of Governor.** SEC. 2. *Be it further enacted*, That the Governor of this State, on the passage of this act, shall appoint all officers for said County of Holmes, as it is by law made his duty to appoint for the other Counties of this State.
- Officers.** SEC. 3. *Be it further enacted*, That the qualified voters be and they are hereby authorized to elect such County officers as by law are directed to be elected in the other counties of this State, in the same manner, and subject to the same duties, provisions and responsibilities.
- Election.** SEC. 4. *Be it further enacted*, That an election for County officers shall take place, on the first Monday of March A. D. 1848, or as soon as possible thereafter at the usual places of holding elections within the limits of said County of Holmes.
- Court to be held.** SEC. 5. *Be it further enacted*, That the Circuit Court of said County and the meetings of the County Commissioners, shall be held at Hewett's Bluff, until the qualified voters shall choose a county site, and until suitable buildings shall have been erected, and the Judge of Probate shall order an election to be held to locate the County site.
- Justices of the Peace.** SEC. 6. *Be it further enacted*, That the Justices of the Peace in office before the passage of this act shall continue in office.
- Records.** SEC. 7. *Be it further enacted*, That until the Clerk of the Court of said County shall be qualified, and provided with necessary materials for recording, the citizens of said County who have their domicils east of the Choctawhatchee River, shall record all instruments of writing required by law to be recorded, in the office of the Clerk of the Circuit Court of Jackson County and all west of said River in said County, in the office of the Clerk of the Circuit Court of Walton County.
- Senatorial districts.** SEC. 8. *Be it further enacted*, That all east of the Choctawhatchee River shall remain a part of the fourth Senatorial District, and all west a part of the third Senatorial District.
- Representative.** SEC. 9. *Be it further enacted*, That said County of Holmes shall be entitled to one Representative in the General Assembly in the State of Florida: *Provided*, its population shall equal the existing ratio of representation, and in such case the Judge of Probates shall order an election for such Representative according to law: *And Provided further*, That the population of Walton County, shall not be reduced by the taking of such County of Holmes from its territory, below the existing ratio, and the Judge of Probate shall forward a copy of the list of enumeration to the Secretary of the State of Florida; and

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no election shall take place for such Representative, until such evidence shall be forwarded to said Secretary of State.

SEC. 10. *Be it further enacted*, That until the population of Holmes County equal the existing ratio of representation, the qualified voters east of Choctawhatchee river shall be entitled to vote for representatives to the General Assembly for Jackson County, and those west of said river, for representatives to the General Assembly for Walton County.

SEC. 11. *Be it further enacted*, That a Circuit Court shall be held in Holmes County on the second Monday of November, and in Washington County on Thursday thereafter, and the Spring Court shall be held in Holmes County on Thursday after the third Monday of May in each and every year.

[Passed the Senate, December 27, 1847. Passed the House of Representatives, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 177.—[No. 42.]

AN ACT to provide for the election of a County Site in the County of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an election be held on the first Monday of July next for a permanent seat of Justice of Washington County, and it is hereby made the duty of the Judge of Probate of said County to advertize said election in the manner provided for the election of County Officers.

SEC. 2. *Be it further enacted*, That it shall be the duty of such persons as may be appointed inspectors of said election, within three days after the same shall have been held to make out and transmit to the Judge of Probate of said County, a statement of the number of votes cast at their respective precincts, for each place voted for as such County seat; and it shall be the duty of the said Judge of Probate, within ten days after such election, to make out a statement of the whole number of votes given for each place voted for as such County seat, and to post a copy of such statement at Roch's Bluff, and at two other public places in said County.

SEC. 3. *Be it further enacted*, That the place selected by a majority of the voters shall be, and is hereby declared, the permanent seat of justice of said County, and the terms of the Circuit Courts, and the sessions of the County Commissioners Courts of said County shall be held at said place.

SEC. 4. *Be it further enacted*, That in case of tie between any two or more places having the highest number of votes, it shall be the duty of the Judge of Probate to order another election to take place within ten days after he shall have made and posted the statement hereinbefore provided for, and at such second election the choice shall be confined to the places between which such tie vote was cast.

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Until election.

SEC. 5. *Be it further enacted*, That until such election shall have been had, and a Court House shall have been erected at such County seat, the terms of the Circuit Courts of said County, and the sessions of the Board of County Commissioners thereof, shall be held at Roch's Bluff on Holme's Creek.

Failure to perform duties.

SEC. 6. *Be it further enacted*, That if the Judge of Probate, or the inspectors of said elections, shall fail to perform the duties hereby devolved upon them, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding fifty dollars at the discretion of the Court.

SEC. 7. *Be it further enacted*, That all laws inconsistent herewith, are hereby repealed.

[Passed the Senate January 4, 1848. Passed House of Representatives, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 178.—[No. 43.]

AN ACT to provide for the location of the county site of Calhoun County.

Duty of Judge of Probate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Judge of Probates of Calhoun county to order an election to be held at the several precincts in said county, on the first Monday in March next, for the purpose of establishing the county site of said county, under such laws, forms, restrictions, rules and regulations, as are now provided by law for the election of County Officers, throughout the State, and as are not inconsistent with this act, except in regard to the qualification of residence of voters, in respect to which a residence of six months only immediately preceding said election shall be required: That at said election, each voter at each precinct, shall declare upon his ticket, the place which he would prefer for the county site of said county, and the place receiving the highest number of votes at said election, shall be the county site of said county, and remain so, until otherwise changed by law. And the said Judge of Probates shall also certify the result of said election to the Secretary of this State and to the Board of County Commissioners for said county.

Duty of county commissioners.

SEC. 2. *Be it further enacted*, That when the county site of said county shall have been established by vote according to the provisions of this act it shall be the duty of the Board of County Commissioners for said county, to appropriate the county funds of said county in the erecting of a suitable building for the purpose of holding courts therein, as a Court House, and that until said Court House is built, the courts shall be held at the house of James Nall in said county.

When court house is built.

SEC. 3. *Be it further enacted*, That so soon as said court house is built, and ready for the reception of the courts, the county commissioners of said county, shall certify the same to the Clerk of the Circuit Court, in and for said county, and from and after said certi-

ificate, the same shall be known and recognized as the county seat of said county; and the Circuit Courts in and for said county, shall thereafter be held at said Court-House.

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SEC. 4. *Be it further enacted*, That all laws and parts of laws inconsistent with this act, be, and the same are hereby repealed.

[Passed the House of Representatives, January 5, 1848. Passed the Senate, January 5, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 179.—[No. 44.]

AN ACT to regulate and define the duties of the County Commissioners in Calhoun County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the County Commissioners of Calhoun County shall be permitted to hold only four sessions during each year, and that they shall sit only one day during each session, and shall be allowed out of the County Treasury of said County the sum of one dollar each per diem for the said four days session. Number of sessions.

SEC. 2. *Be it further enacted*, That the said County Commissioners may, whenever they think the public good requires it, call extra sessions of their board, but they shall not be allowed or permitted to make any charge for the same, or vote themselves any pay therefor out of the County funds of said County of Calhoun. Extra terms.

[Passed the House of Representatives, January 5, 1848. Passed the Senate, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 180.—[No. 45.]

AN ACT to define the Western boundary of Jackson County, and to repeal an act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the southern boundary of Jackson County shall commence on the Apalachicola river, at the north side of Ocheesee, thence on the southern side of the old Federal road to Watson's ferry across the Chipola river, thence west to a point equi-distant in range twelve, thence due north to the dividing line between townships four and five, thence west on said line to the Choctawhatchee river, thence up said river to the Alabama line. Southern boundary.

SEC. 2. *Be it further enacted*, That an act entitled, "An act to define the boundary of Washington County," approved January 4th, be repealed. Repeal.

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eighteen hundred and forty-seven, be and the same is hereby repealed.

[Passed House of Representatives December 6, 1847. Passed the Senate, December 23, 1847. Approved by the Governor, December 28, 1847.]

CHAPTER 181.—[No. 46.]

AN ACT to aid in support of Schools for the education of poor children within the County of Franklin.

Tax for educa- SECTION 1. *Be it enacted by the Senate and House of Representa-*
tion of poor. *tives of the State of Florida in General Assembly convened,* That the County Commissioners in and for the County of Franklin, shall have full power and authority to levy and assess a tax not to exceed ten per cent upon the amount of taxes assessed for State purposes in said County, that said fund shall be disposed of by said County Commissioners for the purpose of educating the poor children in and for said County.

List of children. SEC. 2. *Be it further enacted,* That said County Commissioners shall cause to be made out and deposited with the Judge of Probate a correct list and description of all children admitted within the said School, together with the time and amounts of tuition paid for each; and that they report to the Judge of Probate at least twice a year, which report the Judge of Probate shall have published and made public.

Powers. SEC. 3. *Be it further enacted,* That the County Commissioners as aforesaid, shall have power to employ any teacher or assistant teachers they may think necessary, and to make purchase of any books, maps or charts, which may be required in and about said School.

[Passed the Senate, Dec. 30, 1847. Passed House of Representatives, Jan. 3, 1848. Approved by the Governor, Jan. 4, 1848.]

CHAPTER 182.—[No. 47.]

AN ACT to abolish the Charter of the city of Apalachicola.

Repeal of char- SECTION 1. *Be it enacted by the Senate and House of Representa-*
ter. *tives of the State of Florida in General Assembly convened,* That all laws and parts of laws to incorporate the city of Apalachicola, and all acts amendatory thereof, be, and the same are hereby, repealed.

To be submit- SEC. 2. *Be it further enacted,* That this act shall be submitted to
ted to voters. the qualified voters of said city for their approval or rejection, at an election to be held for that purpose on the first Monday in February next, under the superintendence of such persons as may be appointed by the Judge of Probate of Franklin county, and if a majority of

such voters should approve this act, the same shall be in force from and after the date of such election.

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[Passed the Senate, December 27, 1847. Passed House Representatives, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 183.—[No. 48.]

AN ACT to regulate the Pilotage of the Bar of the River St. Johns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the power to grant "branches" or license to act as Pilots, over the bar of the river St. Johns shall be exclusively vested in the Board of County Commissioners for Duval County, when sitting for county purposes.

SEC. 2. *Be it further enacted,* That no branch or license shall be hereafter granted to any one to act as Pilot on the said bar, unless he shall have served as an apprentice, or assistant, in piloting over the said bar, or have been otherwise engaged on or about the said bar, for at least two years previously; and unless he shall produce satisfactory evidence to the said board of county Commissioners that he is a fit and competent person, and duly qualified to perform the duties of Pilot over the said bar.

SEC. 3. *Be it further enacted,* That the said Board of Commissioners, at the time of granting any such license shall require from such Pilot such bond and security for the faithful performance of the duty required of him, as they may deem proper, which bond shall be made payable to the Governor of the State and to his successors in office, and may be prosecuted from time to time in the name of the Governor for the use of any person or party aggrieved or interested; and the said Pilots so appointed, shall also take and subscribe an oath or affirmation, well and truly to execute and discharge all the duties appertaining to them as such Pilots.

SEC. 4. *Be it further enacted,* That the rates of compensation to every duly licensed pilot, for piloting over the said bar, shall be as follows: On all vessels (howsoever navigated) drawing less than ten feet of water, two dollars per foot; and on all vessels drawing ten feet or over, two dollars and fifty cents per foot.

SEC. 5. *Be it further enacted,* That when any pilot of said bar, being outside of the said bar, shall hail a vessel bound into the river, or shall offer to pilot such vessel in, and the Captain or person having charge at the time shall refuse to receive and employ such pilot, the pilot so hailing or offering shall nevertheless be entitled to the same compensation as though his services had been accepted.

SEC. 6. *Be it further enacted,* That where, by reason of stormy weather, the condition of the said bar renders it impracticable or un-

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Piloting by signal.

safe for the said pilots or any of them to cross the said bar in a good and suitable boat, properly manned, it shall be deemed a compliance with their duty, when any vessel is off the said bar and bound into the said river, to proceed as near to the bar as can be done with safety, or as may be necessary, and raise a flag and pilot such vessel in by signal; for which service, such pilot or pilots shall be entitled to full pilotage.

Vessel bound out.

SEC. 7. *Be it further enacted*, That when any vessel bound out over the said bar shall refuse the services of any pilot of the said bar offering to pilot such vessel out, such pilot shall be entitled to half pilotage only.

What liable for pilotage.

SEC. 8. *Be it further enacted*, That every vessel, boats, tackle, apparel and furniture, shall be liable for the pilotage of such vessel, and may be proceeded against by attachment, or be taken in execution for the same after judgment.

Who is liable.

SEC. 9. *Be it further enacted*, That the owner and owners, Captain or other persons having charge of any vessel at the time when any pilotage service is rendered within the meaning of this act, as also the consignee, if any funds or property shall come into his hands belonging to such owner, Captain or other person, shall be severally liable for such pilotage, and all fees and rates of pilotage which may become due, are hereby made recoverable, before any court of Record; or when the sum is under fifty dollars, before any Justice of the Peace for Duval County, or of any county into which such vessel may proceed or in which such consignee may reside.

License heretofore granted.

SEC. 10. *Be it further enacted*, That nothing in this act contained shall be construed to vacate or impair any license heretofore granted to any pilot of the said bar.

Repeal.

SEC. 11. *Be it further enacted*, That all former laws, now in force regulating or in any manner providing for the pilotage of the said bar, be and the same are hereby repealed.

[Passed the House of Representatives, December 9, 1847. Passed the Senate December 14, 1847. Approved by the Governor, December 29, 1847.]

CHAPTER 184.—[No. 49.]

AN ACT to more fully define the rates of and duty of Pilots for the Port of Cedar Keys.

License.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Board of County Commissioners for the County of Levy, shall appoint and license such number of competent persons, as may be deemed necessary to act as Pilots for the Port of Cedar Keys, during good behaviour; which said Pilots, so appointed shall enter into bond, with security, to be approved by the said Board, in the sum of two hundred and fifty dollars, payable to the State of Florida, conditioned

Bond.

for the faithful performance of their duties ; and shall also before entering upon their office, take and subscribe an oath, well and faithfully to discharge the same.

Oath.

SEC. 2. *Be it further enacted*, That the following rates of pilotage shall be allowed to each pilot conducting a vessel into the Port of Cedar Keys, and the same for carrying a vessel out to sea, to wit ; for merchant vessels drawing less than eight feet of water, two dollars and a half per foot ; for all vessels of the same description drawing eight feet or over, three dollars per foot ; for all United States vessels, three dollars per foot ; for every night detained on board of any vessel outside the bar, two dollars ; every vessel drawing ten feet or over, three dollars and fifty cents per foot.

Rates.

SEC. 3. *Be it further enacted*, That when any vessel bound into the aforesaid port, shall be hailed or spoken by any pilot of the same, outside of the eastern bank or stake, and said vessel not having already a pilot of the said port on board, shall refuse to take and receive said pilot so hailing and so speaking, then, in that case said pilot shall be entitled to demand and have the same fee and rate of pilotage as if he had been taken on board and had piloted and conducted the said vessel into port ; and when any vessel shall be hailed or spoken within the eastern bank, by a pilot, and refuse to take the same on board, said vessel shall pay the said pilot one-half of the aforesaid rates of pilotage.

Vessel refusing to take pilot.

SEC. 4. *Be it further enacted*, That whenever any vessel outward bound shall refuse to receive and take on board a duly authorized pilot of said port, such vessel shall be liable to pay to such pilot one-half of the pilotage which is hereby authorized.

Vessel bound out.

SEC. 5. *Be it further enacted*, That all fees and rates of pilotage which may become due, are hereby made recoverable before any Court of Record, or any Justice of the Peace, or any Intendant or Mayor of any incorporated town in this State.

Recovery of rates.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said pilots to go out to every vessel bound to the said port as soon as practicable after they appear in the offing, to keep up a suitable beacon on the West bank at the entrance of the harbor, a stake on the east bank opposite, and stakes all along the channel of said port up to the termination of the wharf.

Duty.

SEC. 7. *Be it further enacted*, That to encourage, as much as may be pilots to attend the bars, every licensed pilot bringing a vessel safe from sea, shall have the preference in piloting said vessel out to sea again : *Provided*, they give their attendance, and are duly qualified, and any master or owner in said port employing any other pilot to carry his vessel to sea, than the pilot who brought him in, unless good and sufficient cause for the same be shown, shall be liable to forfeit and pay the sum of fifty dollars, one-half to be paid to the pilot so entitled to preference as aforesaid and the other half to the County Commissioners for the improvement of said port, to be recovered by suit before any acting Justice of the Peace in said County ; and any such pilot neglecting or refusing to attend said vessel, when ready for sea, wind, weather, and tide permitting, and

Pilot having preference.

Penalty for employing another.

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thereunto required by the master or owner of the same, shall except good and sufficient cause shown, forfeit the amount paid by the said master or owner, the other half to the County aforesaid, which forfeiture shall be recoverable in like manner as above.

When to give security. SEC. 8. *Be it further enacted*, That the Captains of such vessels as have no owner or consignee, or other responsible person resident in the port of Cedar Keys, shall, if the same be required by the pilot, when outward bound, give security for the payment of the pilotage when said vessel shall have been conducted to sea, and for every beacon or stake broken down by boat or vessel shall be subject to the fine of five dollars for the first offence and ten for the second, and so on in proportion as may be deemed proper by the County Commissioners.

Liability of Pilot. SEC. 9. *Be it further enacted*, That in case any ship or vessel, or the cargo or the freight thereof, shall receive any damage or miscarriage, or be lost through the neglect, insufficiency or default of any of the pilots of said port, after the said pilot takes charge of the same, the said pilot shall be liable for all and every the damages and losses which may be sustained.

Revocation of license. SEC. 10. *Be it further enacted*, That if any pilot be found not sufficiently skilled, or shall become incapable of acting or shall be negligent in the discharge of his duties, the said Board of County Commissioners shall annul his license and he shall thereupon become incapable of acting as pilot of said port or of receiving any money or other reward therefor, and if such person having his license revoked or any other person not having a license, shall under any pretext whatever, undertake to act as pilot, he or they so offending shall be liable to a fine not exceeding fifty dollars, recoverable before any Justice of the Peace in the aforesaid County, and to be appropriated to the improvement of the navigation of the said port.

Repeal. SEC. 11. *Be it further enacted*, That all laws or parts of laws inconsistent with the provisions of this act, be, and the same is hereby repealed.

[Passed House of Representatives, Dec. 9, 1847. Passed the Senate, Dec. 14, 1847. Approved by the Governor, Dec. 22, 1847.]

CHAPTER 185.—[No. 50.]

AN ACT to authorize Blake Jernigan to establish a Ferry across Pensacola Bay from Deer-Point over to the city of Pensacola.

Ferry. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Blake Jernigan be and he is hereby authorized to establish, and charged with the duty of keeping a Ferry across the Pensacola Bay, from a place known on said bay by the name of Deer-point, over to the city of Pensacola, for and during the term of twenty years from the passage of this act.

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SEC. 2. *Be it further enacted*, That the said Blake Jernigan, his heirs and assigns shall at all times keep a good and sufficient ferry-boat at said ferry, to cross loaded wagons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by the Board of County Commissioners of Escambia county, and be subject to the orders of said Commissioners. Duty.

SEC. 3. *Be it further enacted*, That if the said Blake Jernigan shall fail to establish the ferry within twelve months from the passage of this act, then the rights and privileges granted by this act are to be void. Failure to establish.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any other person or persons to establish a ferry within five miles of the said contemplated ferry, unless for his or their own use, and not for taking toll. Extent of privilege.

SEC. 5. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended, modified, or repealed by any future Legislature of the State of Florida. Modification.

[Passed the House of Representatives January 3, 1848. Passed the Senate, January 4, 1848. Approved by the Governor, January 6, 1848.]

CHAPTER 186.—[No. 51.]

AN ACT to authorize James Cockroft to establish a Ferry across Shoal River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That James Cockroft be, and he is hereby, authorized to establish, and charged with the duty of keeping a ferry on Shoal river, in Walton County, at a place known as Cockroft's ferry, on said river, for and during the term of five years from the passage of this act. Ferry.

SEC. 2. *Be it further enacted*, That the said James Cockroft, his heirs and assigns, shall at all times keep a good and sufficient flat or ferry boat at said ferry, to cross loaded wagons and teams, and he or they shall receive such rates of ferriage, as may be established (from time to time) by the County Commissioners of Walton County, and be subject to the orders of said Commissioners, Duty.

SEC. 3. *Be it further enacted* That if the said James Cockroft, shall fail to establish a ferry within twelve months from the passage of this act, then the rights and privileges granted by this act are to be void. Privilege void.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any other person or persons to establish a ferry within five miles of said ferry, unless for his or their own use, and not for taking toll. Extent of right.

SEC. 5. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended, modified or repealed by any future Legislature of the State of Florida. Modification.

[Passed the Senate, December 24, 1847. Passed House of Representatives, Jan. 3, 1848. Approved by the Governor, Jan. 4, 1848.]

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CHAPTER 187.—[No. 52.]

AN ACT to authorize certain persons to establish a Ferry across the Apalachicola river at Chattahoochie.

Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Richard K. Call, Harriet Pope, adm'x of William S. Pope deceased, and Sarah Scurlock, adm'x of Joshua Scurlock deceased, are hereby authorized to establish a ferry across the Apalachicola river at Chattahoochie, and they and the heirs of William S. Pope and the heirs of Joshua Scurlock, after the distribution of the estate of either of the intestates, are hereby vested with all the immunities and privileges belonging to the same, for and during the term of ten years from and after the passage of this act.

Duty.

SEC. 2. *Be it further enacted,* That it shall be the duty of the above named persons, as aforesaid authorized, to keep a flat-boat in good order and of sufficient dimensions to transport a team and loaded wagon across said river.

Toll.

SEC. 3. *Be it further enacted,* That the persons vested as aforesaid, or their assigns, shall receive at said ferry such toll, and shall be subject to such regulations as shall be prescribed by the County Commissioners of Jackson County.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, Dec. 23, 1847. Approved by the Governor, Dec. 28, 1847.]

CHAPTER 188.—[No. 53.]

AN ACT for the relief of Craven G. Fife.

Relief.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of this State be, and he is hereby directed, to audit the account of Craven G. Fife, as Clerk of Jefferson Circuit Court, for stationary furnished between the 18th of October, 1845, to the 17th of April, 1846; and to allow and issue his warrant on the Treasury for so much of said stationary as he believes to have been furnished for the exclusive use of said Court, during the session or sessions thereof, and to make no further allowance whatsoever.

Appropriation.

SEC. 2. *Be it further enacted,* That the sum of fourteen dollars and seventy-three cents, or so much thereof as may be necessary, out of any monies now in the Treasury of this State, or which may hereafter be paid therein, not specially applicable by laws now in force to another purpose, and not otherwise appropriated by law, be, and the same is hereby appropriated for the payment of said Craven G. Fife.

[Passed the House of Representatives, Dec. 27, 1847. Passed the Senate, January 1, 1848. Approved by the Governor, January 4, 1848.]

CHAPTER 189.—[No. 54.]

1847.

AN ACT for the relief of John Stone.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of this State, be, and he is hereby directed to issue his warrant on the treasury of this State, in favor of John Stone, for the sum of fifty-five dollars, being the amount of taxes erroneously imposed on him. Relief.

SEC. 2. *Be it further enacted,* That the sum of fifty-five dollars out of any monies now in the treasury of this State or which may hereafter be found therein, not specially applicable by laws now in force, to another purpose, and not otherwise appropriated by law, be, and the same is hereby appropriated for the payment of said John Stone. Appropriation.

SEC. 3. *Be it further enacted,* That the Treasurer of Wakulla County, be, and he is hereby authorized and directed out of any county revenue, now in his hands, or which may hereafter be paid therein not otherwise appropriated, to pay to said John Stone, the sum of sixteen dollars and fifty cents, being the amount of County tax collected from said John Stone in the year one thousand eight hundred and forty-five. Paid by County treasurer.

[Passed House of Representatives, Dec. 27, 1847. Passed the Senate, Jan. 1, 1848. Approved by the Governor, Jan. 4, 1848.]

CHAPTER 190.—[No. 55.]

AN ACT for the relief of R. E. Little.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to audit and allow the account of Robert E. Little, for the sum of fifteen dollars, and to issue his warrant on the Treasury for the payment of the same. Relief.

[Passed the House of Representatives, Dec. 27, 1847. Passed the Senate, January 1, 1848. Approved by the Governor, January 4, 1848.]

CHAPTER 191.—[No. 56.]

AN ACT for the relief of Asa B. Clark, assignee of Thomas M. White.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of the State audit and allow the claim of the said Relief.

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Asa B. Clark, amounting to the sum of one hundred and thirty-seven dollars, which was due to Thomas M. White for his mileage and per diem, as Senator in the session of the General Assembly held in 1846, which claim had been transferred by the said White to the said Clark.

Priority.

SEC. 2. *Be it further enacted*, That in the payment of the said claim, the Treasurer shall give it the priority which it would have had if it had been presented and audited at the close of the last session of the General Assembly.

[Passed the Senate, Dec. 8, 1847. Passed House of Representatives, Dec. 13, 1847. Approved by the Governor, Dec. 14, 1847.]

CHAPTER 192.—[No. 57.]

AN ACT for the relief of Daniel McRaney and Alfred A. Fisher.

Relief.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the Comptroller of Public Accounts to audit the account of Daniel McRaney, Clerk of Leon Circuit Court, and Alfred A. Fisher, Sheriff of Leon county, which were heretofore rejected, at his office, for want of approval by the Judge, and to allow so much of said accounts as the tax bill will authorize, and no more. *Provided*, however, that they make oath or produce proof before the Comptroller that the services charged for were actually rendered; and as to the contingent expenses charged, in the account of the said Sheriff, that the articles and things there specified were actually furnished for the use of the court.

[Passed the House of Representatives, January 4, 1848. Passed the Senate, January 6, 1848. Approved by the Governor, January 7, 1848.]

CHAPTER 193.—[No. 58.]

AN ACT for the relief of William J. Armistead.

Relief.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public accounts be, and he is hereby, authorized to audit and allow the claim of William J. Armistead of Gadsden county, for the sum of thirty dollars, it being over assesment of taxes for the year 1845, and that he issue his warrant upon the Treasurer for the same.

Appropriation.

SEC. 2. *Be it further enacted* That the sum of thirty dollars out of any monies now in the Treasury of this State, or hereafter to be paid therein, not by law specially appropriated to another purpose,

and not otherwise appropriated, be, and the same is hereby, appropriated for the payment of said William J. Armistead.

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[Passed the House of Representatives, January 3, 1848. Passed the Senate, January 6, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 194.—[No. 59.]

AN ACT for the relief of James C. Johnson and Harman High.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and is hereby, authorized to audit and allow the claim of James C. Johnson and Harman High, of Jefferson County, amounting in all to the sum of nine dollars and thirty cents, being the amount due them for services rendered the State, in the case of the State vs. Cato, slave, and that he issue his warrant upon the Treasurer for the same. Relief.

SEC. 2. *And be it further enacted,* That the sum of nine dollars and thirty cents, out of moneys now in the Treasury of this State, or hereafter to be paid therein, not by law specially appropriated to any other purpose, or not otherwise appropriated, be, and the same is hereby appropriated for the payment of the said Jas. C. Johnson and Harman High. Appropriation.

[Passed the Senate, Jan. 5, 1848. Passed the House of Representatives, Jan. 6, 1848. Approved by the Governor, Jan. 7, 1848.]

CHAPTER 195.—[No. 60.]

AN ACT for the relief of Richard A. Shine and Joseph A. Edmondson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer of the State be, and he is hereby, authorized to pay out of any moneys belonging to the Contingent Fund, and not already appropriated, to Richard A. Shine, the sum of three hundred and twenty-six dollars and seventy cents, and to Joseph A. Edmondson the sum of one hundred and forty six dollars which sums shall be in full for the services &c., of the said Shine and Edmondson in repairing the basement rooms of the Capitol. Relief

SEC. 2. *Be it further enacted,* That it shall be the duty of the Commissioner of the Tallahassee Fund, whenever he shall receive any moneys of that fund, which are not already appropriated, to restore and reimburse to the Contingent Fund, the sums which shall be paid out in accordance with the directions of the foregoing section. Reimbursement.

[Passed House Representatives, January 3, 1848. Passed the Senate, January 5, 1848. Approved by the Governor, January 7, 1848.]

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CHAPTER 196.—[No. 61.]

AN ACT for the relief of H. W. Andrews and others.

WHEREAS, James Barry, late Tax Collector (under the Territorial Government) of Leon County, died, leaving a large portion of the tax assessed for said County uncollected: AND WHEREAS, There is now no provision of law for the collection of the same: Therefore.

Authorized to
collect taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Hercules W. Andrews is hereby authorized and appointed to collect all taxes which have been legally assessed, and which may be due to the County of Leon, and which said James, Barry, deceased, as Tax Collector of said County as aforesaid, was, in his life time at the time of his death, legally authorized to collect.

Bond.

SEC. 2. *Be it further enacted,* That the said Hercules W. Andrews, before entering upon the collection of said taxes, shall give bond payable to the State of Florida for the use of Leon County with two or more good securities, in such sum not to exceed double the amount of the assessments unpaid, as the Judge of Probate or County Commissioners of said County may require, conditioned for the faithful collection and payment into the hands of the Treasurer of Leon County each and every amount collected by him by virtue of the authority herein granted to him, and shall take the oath prescribed by the Constitution of this State, and shall further make and subscribe an oath in writing faithfully and honestly to discharge the duties which devolve by virtue of the foregoing appointment; and the said bond shall be delivered to the President of said Board of County Commissioners, and may be at any time, on failure to comply with the conditions of the same, sued in the name of the said State for the use aforesaid, but at the expense and cost of said County.

Oath.

Under what act
to perform du-
ties.

SEC. 3. *Be it further enacted,* That said Hercules W. Andrews, in the collection of said taxes, shall be governed by the provisions of an act of the State of Florida, entitled, "An act to raise a Revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof," approved July 24, 1845, so far as the same have reference to Sheriffs as *ex officio* Tax Collectors of the several Counties in this State, and so far as the same may be applicable.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 6, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 197.—[No. 62.]

AN ACT providing compensation to be paid to L. A. Thompson for preparing a Digest of the Laws of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the

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Treasurer of this State, be, and he is hereby, authorized to pay to Leslie A. Thompson the sum of twenty-five hundred dollars, in full compensation for his services in preparing the Digest of the Laws of Florida, done under appointment of the Governor by authority of law for that purpose. Compensation.

[Passed House of Representatives, Jan. 3, 1848. Passed the Senate, Jan. 6, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 198.—[No. 63.]

AN ACT to change the name of Sarah A. Holden of Jackson county to that of Sarah A. Howell.

SECTION 1. Whereas by a decree of the late Superior Court of the Territory of Florida held in and for the county of Jackson, the bonds of matrimony existing between Sarah A. Holden and Benjamin Holden, were dissolved and the said Sarah A. Holden being desirous that her name should be changed, therefore: Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened; That the name of the said Sarah A. Holden be changed, and that she be known and called by the name of Sarah A. Howell. Name.

[Passed the House of Representatives, December 27, 1847. Passed the Senate, December 30, 1847. Approved by the Governor, January 3, 1848.]

CHAPTER 199.—[No. 64.]

AN ACT to change the name of James Simlet, of the County of Monroe, to that of James Timothy Walker.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened.* That the name of James Simlet, of Monroe County, be, and it is hereby changed to that of James Timothy Walker, and that he shall hereafter be taken and known, as if that had been originally his name. Name.

[Passed House of Representatives, Jan. 3, 1848. Passed the Senate, Jan. 4, 1848. Approved by the Governor, Jan. 6, 1848.]

CHAPTER 200.—[No. 65.]

AN ACT to change the name of certain persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That from and after the approval of this act, the names of Leonora M.

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Name.

Slade and Vienna Slade, shall be, and are hereby, changed to that of Leonora M. Watts and Vienna Watts, and the said Slades shall hereafter be known and acknowledged by the said name of Leonora M. Watts and Vienna Watts to all intents and purposes, as though it had been originally their names.

[Passed the Senate, January 5, 1848. Passed House of Representatives, January 7, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 201.—[No. 66.]

AN ACT to change the name of Mary Elizabeth Ledbetter, of Calhoun County, to that of Mary Elizabeth Doles.

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Mary Elizabeth Ledbetter, of Calhoun County, be changed to that of Mary Elizabeth Doles; and that the said Mary Elizabeth shall hereafter be known and acknowledged by the name of Mary Elizabeth Doles.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 6, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 202.—[No. 67.]

AN ACT to change the name of Sarah A. Alston.

WHEREAS by the decree of the Circuit Court of the Middle Circuit of the State of Florida in and for the county of Gadsden, Sarah A. Alston has been divorced from her late husband and the contract of matrimony existing between them absolutely dissolved: therefore,

Name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act the name of the said Sarah A. Alston be and the same is hereby changed to that of Sarah A. Lines and that hereafter the said Sarah A. Alston shall be known and acknowledged by the name of Sarah A. Lines as if the said Sarah had not been married to her late husband.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, December 23, 1847. Approved by the Governor, December 28, 1847.]

CHAPTER 203.—[No. 68.]

AN ACT to change the name of William J. McCaughan to that of William J. McGriff.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the

name of William J. McCaughan be and the same is hereby, changed to that of William J. McGriff.

[Passed the House of Representatives, December 20, 1847. Passed the Senate, December 23, 1847. Approved by the Governor, December 28, 1847.]

CHAPTER 204.—[No. 69.]

AN ACT to empower Robert Higdon Hall, a minor, to assume the management of his own estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Robert Higdon Hall be authorized to assume the management of his own estate, and that the letters of guardianship which may have been issued in behalf of said minor be, and the same are hereby revoked. Letters of guardianship revoked.

SEC. 2. *Be it further enacted*, That all contracts heretofore entered into, and all other acts of whatever kind done and performed by the said Robert Higdon Hall, shall be as valid and binding in law as if the said Hall had attained to the age of twenty-one years. Contracts.

SEC. 3. *Be it further enacted*, That this act shall not be construed to relieve the guardian of said minor from any responsibilities imposed upon him or her in consequence of said guardianship, nor to relieve him or her from accounting to said minor for the management of his estate up to the passage of this act. Guardian.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 6, 1848. Approved by the Governor, Jan. 8, 1848.]

CHAPTER 205.—[No. 70.]

AN ACT to authorize the Executors of George Kingsley, dec'd, to sell Real Estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That John S. Sammis and Oliver Wood, or either of them, Executors of the last will and testament of George Kingsley deceased, be, and they are hereby, authorized to sell, either at public or private sale, any and all of the real estate of the said George Kingsley belonging to him at the time of his death: *Provided*, that no sale shall be made by either of them until he shall have first filed in the office of the Judge of Probate of Duval county such security for the proper application of the proceeds of such sale as the Judge of Probate of said county may require, and obtained from said Judge an order of sale: *Provided*, however, no such sale of said real estate, or part or Empowered to sell real estate.
Order of sale.
Notice.

1847.

Decree.

parcel thereof, shall be ordered or decreed without previous notice to those persons in this State interested therein, or to his, her or their known agent or agents: And provided moreover, if those in interest shall by themselves, or their agent or agents, object to such sale or sales, and shall ask to have such real estate turned over to them, or either of them, as devised by the testator, George Kingsley deceased, then it shall be lawful for the Judge of Probate to order or decree in conformity to such asking, and not otherwise.

[Passed the Senate, December 4, 1847. Passed House of Representatives, December 29, 1847. Approved by the Governor, January 4, 1848.]

CHAPTER 206.—[No. 71.]

AN ACT to authorize Thomas L. Baines to convey a town lot in the town of Quincy and for other purposes.

Authorized to
sell town lot.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Thomas Lemuel Baines, a minor, be, and he is hereby authorized to sell and be fully empowered to make good and valid titles to lot number one hundred and nineteen, lying, being and situated in the town of Quincy, County of Gadsden, State of Florida, which was conveyed to said minor by Godfrey Stevens, Trustee for the town of Quincy, on the tenth day of December, A. D. 1833.

Guardians.

SEC. 2. *Be it further enacted,* That nothing in this act shall be so construed as to relieve the Guardian or Guardians of said minor (if any there be) from any liabilities incurred by him, he or them, in consequence of such guardianship, nor to relieve the same from accounting to said minor for the management of his estate up to the time of the passage of this act.

To take effect.

SEC. 3. *Be it further enacted,* That this act shall take effect immediately from and after its passage.

[Passed the House of Representatives, January 6, 1848. Passed the Senate, January 8, 1848. Approved by the Governor, January 8, 1848.]

CHAPTER 207.—[No. 72.]

AN ACT to declare and make the citizenship of the Keeper or Keepers of the Live Oak Plantation, opposite the City of Pensacola, in the County of Escambia, in place of the County of Santa Rosa.

Citizens.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Keeper or Keepers of the United States' Live Oak Plantation, which lies opposite to the City of Pensacola, and in the County of

Santa Rosa be, and they are hereby declared to be and made citizen or citizens of the County of Escambia.

SEC. 2. *Be it further enacted*, That hereafter the keeper or keepers of the said Live Oak Plantation, shall be taken and considered citizen or citizens of Escambia County, liable and bound to do and perform all public duty required of citizens of said County of Escambia, and in that County be sued and held liable in all and every respect as though the said Live Oak Plantation did actually lie in and belong to the said County of Escambia.

[Passed House of Representatives, Jan. 3, 1848. Passed the Senate, Jan. 4, 1847. Approved by the Governor, Jan. 6, 1848.]

CHAPTER 208.—[No. 73.]

AN ACT to facilitate the draining of the "Twelve mile Swamp," in the County of St. Johns.

WHEREAS, There are in the "Twelve mile Swamp," situated, lying and being in the County of St. Johns in the State of Florida, numerous tracts of land owned by different individuals, which lie unimproved and are comparatively of little or no value, because the said swamp is not drained: AND WHEREAS, It is believed the said Swamp is susceptible of being drained, and when drained would not only be more useful and valuable to the proprietors, but its cultivation would operate as a public benefit: AND WHEREAS, It is considered that the opening of suitable ditches for the draining of the lands of any one individual therein would be expensive, and could not be done without more or less benefitting the remaining owners, for which those benefitted should contribute their pro rata share of the expense to the extent they are benefitted:— AND WHEREAS, It is believed to be more practicable to provide for the draining of the whole of said swamp than to provide for the facilities of doing so to one or more tracts thereof: AND WHEREAS, The said Twelve mile Swamp is subdivided, or parts of which are known by the designations of the "Turnbull Swamp," "Six mile Swamp," "Long Swamp," "Four mile Swamp," and "St. Marks Pond," but all of which are in fact the "Twelve mile Swamp." Therefore to provide for the effectual draining of the whole of said Swamp or Swamps, and that all interested therein may be required to contribute or pay their pro rata share of the expenses in proportion to the benefits they will derive therefrom:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That any person or persons owning or possessing any land in said above enumerated swamp or swamps, who shall be desirous of draining the swamp or swamps, shall give two months notice in some public newspaper published in said County of St. Johns, of his or their in-

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Notice and ap-
plication for a
jury.

Manner of giv-
ing notice.

Jury.

Manner of sum-
moning jury.

Duty of J. P.

Map of mode
of draining.

tention to undertake the draining thereof, and in said notice shall specify that on a day, time and place to be therein named, he or they shall appear before a Justice of the Peace (naming him,) residing in the city of St. Augustine, in said County, then and there to apply for the summoning of a jury, as is herein specified, and that said person so desirous of undertaking said draining, shall also serve or cause to be served upon each individual, owner or claimant, or representative of an owner or claimant in said swamp or swamps, so far as they are known and so far as it can possibly be done, a copy of said notice, which service may be perfected by mailing in the post office of St. Augustine a written or printed copy thereof, folded, sealed and directed to the said owner or claimant at his, her, or their usual and known place of abode, and in cases where owners are absent from the State and residence not known, or the names of owners not known, the printed notice, above provided, shall be as good and effectual for all purposes as if served personally upon them or any of them; and if there should be any lands in said swamp belonging to the State, denominated "Internal Improvement Lands," they shall be represented by the Attorney of the Eastern District of Florida, upon whom and also upon the Register of Public Lands of this State said notice shall be served as herein specified: *Provided*, That in case any of the public officers of this State shall be required to give any attention to the matter, contemplated in this act, the pay allowed therefor shall be paid by the owners of the land in proportion to the interest they may have in them, and be taxed in the general bill.

SEC. 2. *Be it further enacted*, That the justice to whom such application shall be made, shall thereupon issue a summons directed to any constable of said County or any other person who may be deputed by him for that purpose, requiring him to summon twelve reputable free-holders who are not interested in the said lands nor in any of them, nor in anywise of kin to any of the owners or claimants, to be and appear forthwith at a certain place to be specified in said summons.

SEC. 3. *Be it further enacted*, That the constable or other person, to whom such summons shall be delivered, shall execute the same by summoning such jurors in the same manner and with the like authority, as upon venire issued in causes pending before Justices of the Peace, and shall in like manner make return thereof.

SEC. 4. *Be it further enacted*, That the said Justice of the Peace shall attend at the time and place specified in the summons, and if it appear that due notices have been given to the owners, and publication made as herein above required, and if the said jurors as aforesaid, shall then and there appear, he shall administer to each of them an oath or affirmation, well and truly to examine and certify in regard to the contemplated mode and manner of draining the same, and in regard to the benefits or evils which will result from the draining of the same.

SEC. 5. *Be it further enacted*, That the said applicant or applicants, shall then and there deliver to the jury a map of said

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swamp or swamps, on which map the plan of draining the same, together with the length, width and depth of the ditch or ditches shall be particularly designated—accompanying which shall be an estimate of the expenses likely to attend said draining. The said jury shall hear any reasons that may be offered in regard to the question submitted to them—any person interested may produce testimony before them and they may be permitted personally to examine the premises, and for that purpose time shall be allowed them—and they may, if they think proper, vary the plan, course or dimensions of any ditch or ditches so proposed: But in such cases they shall designate on the said map the alterations made by them; and in case the jury shall not unanimously agree, a majority thereof may find the inquisition.

Duty of jury.

SEC. 6. *Be it further enacted*, That if after taking all the circumstances into consideration, the jury shall be satisfied that the draining of said swamp or swamps is necessary and the plan proposed a proper one, they shall so certify by such inquisition in writing, and shall further certify that the lands benefitted thereby be held liable for a pro rata share of the expense of draining the same in proportion to the benefits they will derive therefrom—which inquisition shall be signed by a majority of all the jurors and delivered to the justice.

Jury approving
of plan the lands
to be liable pro
rata.

SEC. 7. *Be it further enacted*, That after the favorable finding of said jury and the delivery of the certificate of the jury to the justice, it shall be lawful for the person applying for said summons to enter with his slaves, hired men, teams, carriages and other necessary implements upon the lands in said swamp or swamps, and then and there to cut and open such ditch or ditches as were designated on the said map (or any other that may be found necessary,) according to the plan and dimensions therein specified and adopted by the jury not deviating materially from such dimensions.

Power of party,
the jury finding
favorably.

SEC. 8. *Be it further enacted*, That after any ditch or ditches shall have been opened under the provisions of this act, it shall be lawful for any one interested in the lands of said swamp or swamps thereafter, from time to time as it shall become necessary, to enter upon the lands through which such ditch or ditches shall have been opened, for the purpose of cleaning out and scouring the same, and then and there to clean out and scour such ditch or ditches, in such manner as to preserve the original length, depth and width thereof.

Right to keep
open ditches.

SEC. 9. *Be it further enacted*, That if, in the draining of said swamps, it shall be deemed necessary, in order thereto, that a ditch or ditches should be opened through lands lying without the said swamp or swamps, and the owners of any such lands shall refuse to permit the opening of such ditch or ditches through the same, then it shall be lawful for the person or persons proposing to drain said swamp or swamps, to apply to any Justice of the Peace in said city of St. Augustine, for such summons as herein specified.

Ditch through
land lying out
of the said swamp.

SEC. 10. *Be it further enacted*, That the Justice to whom such application shall be made, or other person whom he may depute for

Jury summon'd.

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Notice.

that purpose, shall thereupon issue a summons directed to any Constable of the said County, requiring him to summons twelve reputable freeholders, who are not interested in said lands, nor in any of them, nor in anywise of kin to either of the parties, to be and appear on the premises at a certain time, to be specified in such summons, not less than ten nor more than twenty days from the date thereof.—The summons shall also direct the Constable or other person serving the same, to give at least six days notice to the owner of such lands, or his or her lawful agents or attorney of the time at which such jury are to appear; and in case the owner or owners of said lands cannot be found or are not known, or reside out of the State, and have no authorized agent or attorney therein, then said notice shall be served by publishing the same in any newspaper printed in said County for one month.

Mode of summoning jury.

SEC. 11. *Be it further enacted*, That the Constable, or other person to whom such summons shall be delivered, shall execute the same by summoning such jurors, in the same manner and with the like authority as upon venirees issued in causes pending before Justices of the Peace, and shall in like manner make return thereof, and of the facts of his having given the notice therein required.

Oath of jury.

SEC. 12. *Be it further enacted*, That the Justice shall attend at the time and place specified in the summons, and if it appear that due notice has been given as required in the summons, and if twelve freeholders, jurors as aforesaid, shall then and there appear, he shall administer to each of them an oath or affirmation well and truly to examine and certify in regard to the benefits or damages which will result from the opening of the said ditch or ditches.

Map of ditches proposed.

SEC. 13. *Be it further enacted*, That the person or persons applying to have such ditch or ditches opened, shall then deliver to the jury a map of the land through which the same are to be opened, on which map the plan, length, width and depth of such ditch or ditches shall be particularly designated. The jury shall personally examine the premises and hear any reasons that may offered in regard to the question submitted to them; and they may, if they think proper, vary the plan or dimensions of any ditch so proposed to be opened; but in such case they shall designate on the map the alteration made by them.

Jury finding favorably to assess the damages.

SEC. 14. *Be it further enacted*, That if, after taking all the circumstances into consideration the jury shall be satisfied that the opening of such ditch or ditches is necessary and proper, they shall so certify by inquisition in writing; and if so satisfied they shall further certify, by such inquisition, that the benefits which will accrue to the owner or owners of the lands from the opening of such ditch or ditches will or will not be equal to any damages that he, she, or they, will sustain thereby; and if such benefits shall be certified not to be equal to the damages, the jury shall assess the damages, which in their judgment will be sustained therefrom by such owner, and certify the same in like manner. Every such inquisition shall be signed by a majority of all the Jurors and delivered to the Justice;

and in case the said jury cannot unanimously agree, then a majority may find the inquisition.

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SEC. 15. *Be it further enacted*, That upon payment of the damages assessed by the jury, and the costs of such assessment, or if no damages shall have been found by them upon payment of the costs of the proceedings, and the delivery of the certificate of the Jury to the Justice, and not before, it shall be lawful for the person or persons applying for such summons to enter with his slaves, servants, hired men, teams, carriages and other necessary implements upon such lands, and then and there to cut and open such ditch or ditches as were designated on the said map, according to the plan and dimensions therein specified and adopted by the jury, not materially deviating from such dimensions.

When party may proceed to cut ditch.

SEC. 16. *Be it further enacted*, That any person who shall dam up, obstruct, or in any way injure any ditch or ditches opened under any of the provisions of this act, shall be liable in a civil action to pay to the person or persons injured thereby double the damages that shall be assessed by the jury for such injury, and in cases of wilful daming up, obstructing or in any way injuring any ditch or ditches so opened under any of the provisions of this act, the person or persons guilty thereof, shall be indicted for a misdemeanor, and upon conviction be fined or imprisoned at the discretion of the jury.

Penalty of injuring ditches.

SEC. 17. *Be it further enacted*, That the justice before whom any of the above proceedings shall be had, shall cause the map or maps delivered by the applicant or applicants, and the inquisition of the jury, which he shall certify to have been taken before him, to be filed in the Clerk's office of the said County of St. Johns, to be kept in the said office as a record of the proceedings between the parties.

Map to be filed.

SEC. 18. *Be it further enacted*, That the person or persons undertaking to drain said swamp or swamps under the provisions of this act, shall keep a faithful and true account of all the expenditures attending the same, and shall note and make a list of the lands benefitted thereby, and the extent to which they are thus benefitted, and shall when he, or they have completed their said work, file the said account and list, under oath, with the Clerk of the Circuit Court in said city of St. Augustine, and shall give notice to each individual owner, or claimant, or representative of any owner or claimant in said swamp or swamps, by publishing the same in the newspaper for one month, and serving a copy thereof as provided for service of the notice in the first section of this act, that said account and list are thus filed, and that at the next term of the Circuit Court, provided there is a clear month from the giving of said notice to said term, and if not, then at the next following term of said Court, a motion will be made to the Judge thereof for a taxation of said expenses, and the allowance of a reasonable compensation to the applicant for his labor and time in draining the same, and for an apportionment of the same among the respective owners according to their interest and benefits and that all persons having objections to

Duty of person draining.

Motion for tax. of exp'n's

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make, must on or before the said term file their said objections in writing, and also disclose to said Court the amount of landed interest he, she, or they have in said swamp or swamps.

Duty of judge.

SEC. 19. *Be it further enacted*, That it shall be the duty of the presiding judge of said Circuit Court, upon it being made to appear that due notice has been given to the persons interested, according to the spirit and meaning of this act, to investigate upon the evidence produced before him, and ascertain as far as possible the extent of the landed interest each person has in said swamp or swamps—also the extent each person has been benefitted by said draining, and also to examine the said accounts, hear objections, if any, allow such compensation to the person or persons draining said land as may be deemed just and right by him, and decree the amount of the share which each owner therein should pay, and to cause his decree in the premises to be entered upon the records of the said Court—and in case there should not be time enough during the sittings of said term for the completing of said decree, then the said judge may either take it up and complete it upon some day to be by him named in vacation, or he may continue it unto the next term of Court to be then completed, and said judge is hereby authorized and required, at his discretion, to make any order necessary for the accomplishing the objects of this act, in cases where there is a failure to provide herein.

Decree.

Lien and force
of decree.

SEC. 20. *Be it further enacted*, That said decree shall be binding upon the one individual half of the interest of each individual land owner in said swamp or swamps, for the amount of their said respective shares of the costs and charges for draining the same as directed by the said Judge, and shall operate as a lien thereupon and have the full force and effect of an execution; and if the respective shares decreed therein to be paid, remain unpaid or unsatisfied for the term of ninety days after the entry of said decree, then it shall be lawful for the clerk of said court, upon the application of the party, to cause the said decree to be enforced in the same mode and manner decrees in chancery are enforced in said court, and the said lands shall be sold by the Sheriff to pay the respective shares or amounts, or so much thereof as is necessary; Provided that in no instance there shall be sold more than the undivided half of a claimant's landed interest therein.

When lands
may be sold.Fees of officers,
justices, &c.

SEC. 21. *Be it further enacted*, That the officers of the said Circuit Court, shall be entitled to the same fees as are allowed for similar services in cases in Chancery—and that justices and constables shall be allowed the same fees for services under the provisions of this act, that they would be entitled to for similar services in cases pending in the justices court, with the addition of travelling expenses, and the jurors shall be entitled to two dollars each and their travelling expenses; all of which costs shall be paid by the person or persons draining said land and taxed in the general account.

Of jurors.

SEC. 22. *Be it further enacted*, That the term "pro rata," as used in this act, shall be construed to mean a share in proportion to

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the number of acres owned; and the term "in proportion to the benefits," shall be construed to mean the increase of value to the particular tract of land, as some tracts may be benefitted more than others. And that in the said term "swamp or swamps," shall be embraced all lands, whether swamp land, hammock land, or pine, land, which may be subject to inundation by the same waters, and which are drained under the provisions of this bill.

Meaning of
term *pro rata*.
Of swamp.

[Passed the House of Representatives, December 9, 1847. Passed the Senate December 15, 1847. Approved by the Governor, December 27, 1847.]



RESOLUTIONS.

[No. 1.] Resolutions relative to the commissioning, by the Governor, of Justices of the Peace.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be, and he is hereby requested to commission suitable persons in the several districts as Justices of the Peace to fill the vacancies caused by the omission to hold elections on the first Monday of May, 1847, agreeably to the power vested in him by act of 24th, December, 1845, Chapter 67th which persons shall hold their offices until the first day of May, 1849, and until their successors be elected and commissioned.

Governor to appoint J. P.

Term of office.

That if it does appear that elections were held in any county for Justices of the Peace on the first Monday in May, 1847, then in the opinion of this General Assembly, such persons were duly elected and ought to be commissioned. And in such other counties as had no election held in May 1847, aforesaid, but erroneously held in October, 1847, then, that it be recommended to his Excellency the Governor, to consider the votes thus cast as representations made by the people of the fitness of the persons thus elected, except in those cases where elections were held on the first Monday in May, 1847.

When duly elected, &c.

[Passed House of Representatives December 13, 1847. Passed the Senate December 23, 1847. Presented to the Executive, December 24, 1847.]

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[No. 2.] Preamble and Resolutions in relation to certain sections of land, granted by the United States to Florida, for the purpose of fixing her seat of Government.

Preamble.

WHEREAS, the Congress of the United States, by an act, supplemental to an act for the admission of Florida into the Union, and for other purposes, approved the third of March eighteen hundred and forty five, in consideration of the concessions made by the State of Florida in respect to the public lands, (to wit: that the said State shall never interfere with the primary disposal of the public lands, lying within her borders, nor levy any tax on the same, whilst remaining the property of the United States;) did grant to this State, amongst other lands for other uses, the following, viz: "Eight entire sections of land for the purpose of fixing their seat of Government." And whereas, the terms of said grant have been construed by the Commissioner of the General Land Office, as concurred in by the Secretary of the Treasury, to require that the whole of these eight sections should be located in one body, at such point as may be fixed upon by the proper authorities of Florida, as their seat of Government, and that the seat of Government shall be fixed upon the lands thus granted:" And whereas, such construction would utterly defeat the grant aforesaid of said lands, it being almost impossible at this time, to locate in one body a large quantity of land worth locating, by reason of the extensive sales made, locations already completed and in progress, pre-emptions secured, armed occupation rights established, and private claims recognised by the United States: And whereas, there is nothing, in the terms of said grant, which imperatively requires that the seat of Government should be established upon the lands thus granted, while the previous legislation of Congress repels the idea: therefore,

Construction.

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That in the opinion of the General Assembly, the construction so placed upon said act of Congress, is unsound and destructive of the very end and aim which congress had in view in making the grant aforesaid.

Result.

Resolved, That Congress are to be presumed to have had regard to the Constitution of this State which they had just admitted into the Union in making said grant; and that the location of said lands will be utterly impossible, if, as a condition of the grant, the seat of Government is to be now established upon the lands so granted, because of the (XV.) fifteenth Article of the Constitution of this State.

Dissimilar to other grants.

Resolved, That this grant is clearly distinguishable from the several grants of land whereto, by the said Commissioner of the General Land Office and the Secretary of the Treasury, the same has been likened, made by Congress to different Territories and new States of this Union for their seats of Government and seats of justice in their respective counties, enumerated as the acts of 25th February, 1811—19 April, 1816—20 April, 1818—20 February 1819—3 March, 1819—6 March, 1820—15 May, 1820—3 March, 1823—

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24 May, 1824, and 26 May, 1824—in these respects, viz: That in each and every of said grants, Congress has in express terms, declared that the location of such seat of Government, or seat of justice, shall be made on the land so selected,—also, because in every such instance, Congress has required the location to be made before the public sale of the lands of the United States surrounding such location, and while it was yet possible a location of the lands so granted could be made in one body.

Resolved, That the grant in question was made in consideration of concessions by the State of Florida, and was intended to yield this State advantage; and that the arguments drawn from the peculiar considerations alledged to have moved Congress to make the several before enumerated grants, to wit, the enhancement of value of public lands adjoining do not, and cannot apply; and that it is equally clear that this grant requires none other consideration than the concessions declared to have been made by this State to support the same. For what grant was made.

Resolved, That Congress has not placed, nor ever designed to place, the onerous restrictions and conditions impossible to be performed, indicated by said construction of the General Land Office; nor can Congress be presumed to have imposed terms which, under the aforementioned article of the Constitution of this State, would effectually prevent the obtaining of said lands by postponing their location for ten years to come, and thus defeat the beneficial use designed. Intention of Congress.

Resolved, That such Land Office construction of said act of Congress, if allowed, as to these lands, applies with equal force to the location of the two Townships, by the same act, granted for the use of two Seminaries of Learning;—that the said grant is thus virtually annulled, and the State of Florida fails to receive an equivalent for the concessions made by her to that extent. And this General Assembly does protest against a construction of the act of Congress which defeats the very grant intended to be made, by clogging it with conditions impossible to be performed. L'nd office construction.

Resolved, That our Senators and Representative in Congress be requested to present to the Senate and House of Representatives of the United States these Resolutions; and to use their best exertions to obtain the passage of an act of Congress declaratory of the former act; and further to warrant and allow the location of said Eight Sections of land without restriction, as to section lines, and untrammelled by the other conditions appended by such official construction to the said grant. Senators and Representative.

Resolved, That so soon as these Resolutions shall have been passed by the General Assembly and approved by the Governor, copies hereof properly certified, be forwarded to our Senators and Representative in Congress. Copies to be forwarded.

[Passed the House of Representatives, December 10, 1847. Passed the Senate, December 11, 1847. Approved by the Governor, December 13, 1847.]

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[No. 3.] Preamble and Resolutions requesting our members in Congress to procure the passage of an act to graduate the price of the Public Lands in this State.

Preamble.

WHEREAS, there is in this State a vast quantity of public or Government lands of an inferior quality which has been in market, or subject to entry, for many years, and has not been deemed by our citizens to be worth Government price, one dollar twenty-five cents per acre (\$1.25 cts. per acre:) AND WHEREAS, It is believed by this General Assembly that the sale of all such lands should be effected as soon as practicable for the purpose of increasing the population of this State, and for the purpose of bringing more revenue into our Treasury: AND WHEREAS, The said lands, or a large portion of them, never can be sold by the General Government at the present price as fixed by law, but might be readily disposed of at a reduced price, thereby bringing into our State an increase of population and into our Treasury, a large additional revenue.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby, requested, to use their best exertions to procure the passage of an act to graduate the price of all the public or United States' lands in this State, from one dollar and twenty-five cents per acre to twenty-five cents per acre, agreeably to the quality and the length of time said lands have been in market or subject to entry.

Be it further resolved, That a copy of the foregoing preamble and Resolutions, after being duly authenticated, be forwarded, one copy to each of our Senators and one to our Representative in Congress, to be by them laid before Congress.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 5, 1848. Approved by the Governor, Jan. 7, 1848.]

[No. 4.] Preamble and Resolutions in relation to pre-emption rights in this State.

Preamble.

WHEREAS, with a view of developing the resources of the Country, and enhancing the value of the Public Domain generally, it has been the wise policy of the General Government to invite emigration to newly acquired territories by offering pre-emption rights to actual settlers on public lands: AND WHEREAS, also, many of the good citizens of the State have not been enabled to comply with the many technicalities of the existing pre-emption laws, whereby their homes are now subject to be entered from under them by the speculator:

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Sen-

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ators in Congress be instructed and our Representative requested to exert themselves to procure, at the next session of Congress, the passage of a law, making it the duty of any person or persons whatsoever, before entering any tract or parcel of the land belonging to the General Government, lying within the State of Florida, on which there may be residing at the time an actual settler or settlers, to give said occupant or occupants at least six months notice, in writing, of the intention to make such entry to the end that they have an opportunity of securing their homes.

Be it further resolved, That his Excellency, the Governor, be requested to forward a copy of the foregoing Preamble and Resolution to the presiding officers of both Houses of Congress, of the United States, and to each of our Senators and our Representative in Congress.

[Passed the House of Representatives, Dec. 6, 1847. Passed the Senate, Dec. 13, 1847. Approved by the Governor, Dec. 15, 1847.]

[No. 5.] Resolutions relative to locating the School Lands in eighths of sections.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress are hereby instructed, and our Representative requested, to procure the passage of an act giving to the State of Florida special authority to select and locate School Lands in eighths of sections in lieu of those included in Forbes' Purchase, the Arredondo grant, and all other private claims.

Resolved further, That the Register of Public Lands for the State of Florida is hereby instructed to forward a copy of the above Resolution, and of the Report accompanying the same, from the Committee on Schools and Colleges, to our Senators and Representative in Congress, together with a copy of the letter of the Commissioner of the General Land Office of May the 8th, 1846, addressed to the Honorable William H. Brockenbrough.

[Passed House of Representatives, Dec. 24, 1847. Passed the Senate Dec. 28, 1847. Approved by the Governor, Jan. 1, 1848.]

[No. 6.] Preamble and Resolutions asking Congress to provide Lands for the inhabitants of certain Townships for the support of Public Schools.

WHEREAS, by "an act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes," approved 3d March, 1845, the Congress of the United States granted to this State Section Number Sixteen in every Township, or other lands equivalent thereto, for the use of the inhabitants of

Preamble.

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such Township for the support of Public Schools: And whereas, by an "act of June 15, 1844," in anticipation of said grant, the Congress of the United States did provide, that "wherever the Sixteenth Sections in the Territory of Florida, either in whole or in part, were then or thereafter might be included in private claims, held by title confirmed or legally decided to be valid and sufficient, other lands equivalent thereto, within any land District in Florida, most adjacent to said lands so taken up by private claims, which have been offered at public sale and remain unsold, may be selected in lieu thereof:" And whereas, it was the plain design of Congress, in this munificent donation, to provide a sixteenth section in every township, or other lands equivalent thereto for the use of the inhabitants of such township for the support of Public Schools, and such design remains in part only unfilled in cases—First, where the sixteenth sections are utterly valueless: Second, by reason of the Treasury construction placed at Washington, upon the said act of 15 June, 1844, whereby the sections of country covered by the private claims known as the Forbes' Purchase and the Arredondo grant, have been denied the benefit of said act, and the inhabitants of the townships included in those claims, though the same have been confirmed and legally decided to be valid and sufficient, have not been allowed lands equivalent thereto and none have, as yet, been selected: And whereas, by reason of such construction, great time must elapse before the action of Congress can be had upon the remonstrance of this General Assembly at its first session made against said Treasury construction, and there will therefore remain unsold in the land districts in Florida, but few lands equivalent to those thus lost to the township: therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the facts in the foregoing preamble set forth, be made known to the Congress of the United States, by our Senators and Representative; and the Senate and House of Representatives be solicited and requested to pass a law providing suitable remedy to make complete the munificent design of Congress in the points hereinbefore indicated; and to that end also to authorize the location of such equivalent land, either in this State, or in any other State or Territory in this Union, where public lands remain unsold, for the use of the inhabitants of all those Townships in this State, so as aforesaid deprived of Sixteenth sections of land for the support of public schools; and to locate the same in sections, half sections, quarter sections, or previously defined fractions as allowed to be done in Alabama.

Be it further resolved, That copies of these resolutions be forthwith transmitted to our Senators and Representative in the Congress of the United States.

[Approved by the Governor, January 8, 1848.]

Location of equivalent lands.

[No. 7.] Resolutions in regard to lands which have reverted back to the General Government under the "Armed Occupation Act," and in regard to the eight sections of land granted to Florida for the fixing of a seat of Government.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested, to use their best exertions for the passage of an act by Congress granting to Florida the right of locating by quarter sections, for the use of Common Schools, any lands which have reverted or may hereafter revert back to the General Government under the act of Congress known as the "Armed Occupation Act."

Locate by quarter sections.

Resolved further, That they be instructed and requested to endeavor to have an act passed allowing to Florida the right of locating by separate sections the eight sections of land which was granted by Congress for the purpose of fixing a seat of Government for the State of Florida.

Lands for seat of government.

Resolved further, That a copy of the above Resolution be sent to each of our Senators and to our Representative in Congress.

[Passed House of Representatives, January 5, 1848. Passed the Senate, January 5, 1848. Approved by the Governor, January 7, 1848.]

[No. 8.] Preamble and Resolution relative to a speedy Survey of the Private Land claims in Florida.

WHEREAS, there are a very large number of Spanish Grants, covering a very large quantity of land, scattered through the eastern portion of Florida: AND WHEREAS, Although 26 years have elapsed since the transfer of Florida, and although from 10 to 20 years have elapsed since the confirmation of a majority of said grants, yet but a small portion of the same have been surveyed and located in connection with the surveys of the public lands: AND WHEREAS, This state of things acts injuriously upon the country by rendering titles insecure; and prevents the lands of the United States from being purchased and improved, from fear that it may be found that they are covered by some grant, and the present provision for surveying these grants being entirely inadequate:

Preamble.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be urgently requested to procure the passage by Congress of such additional acts as may be necessary to procure the immediate and final survey of all such grants.

Survey.

Be it further resolved, That the Governor of this State be requested to transmit a certified copy of this Preamble and Resolution to each of our Senators and Representative in Congress, and to call the same to their special notice.

[Passed the House of Representatives, December 27, 1847. Passed the Senate, December 29, 1847. Approved by the Governor, January 1, 1848.]

1847.

[No. 9.] Memorial and Resolutions asking Congress to appropriate one hundred and sixty acres of land for the building of a Court House in Hillsborough County.

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled :

Preamble.

WHEREAS, during the late Indian war in Florida, the Court House in Hillsborough County was burnt by the Indians: AND WHEREAS, The present resources of said County are inadequate to the expenses of building another Court House. We therefore request that your Honorable body will pass a Resolution granting to the said County of Hillsborough one hundred and sixty acres of land (160 acres) adjoining to and north of Fort Brooke on the east side of the Hillsborough River, so as to include the present town of Tampa, it being the permanent seat of justice for said County, being on unsurveyed lands, reserved by the Government for Military purposes, but relinquished by order of the Secretary of War, and reducing the military reserve of Fort Brooke to the ground enclosed by the piquet fence, a plat of which has been furnished the Secretary of War and the Governor of the State; and also that your Honorable body will pass a resolution to have the relinquished reserve surveyed:

Court house.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby, requested to use their best exertions to procure the passage of an act or resolution by Congress, granting to the County of Hillsborough one hundred and sixty (160) acres of land adjoining the town of Tampa in said County for the purpose of building a Court House in said town of Tampa.

Be it further resolved, That a copy of the foregoing Memorial and Resolution, after being duly authenticated be forwarded by the Secretary of State of this State one copy to each of our Senators and one to our Representative in Congress.

[Passed the House of Representatives, Dec. 30, 1847. Passed the Senate, Jan. 1, 1848. Approved by the Governor, January 4, 1848.]

[No. 10.] Preamble and Resolutions relative to the passage of a law in relief of certain citizens of this State.

Preamble.

WHEREAS, a portion of the citizens of the eastern part of this State moved to their homes under proclamation of General Worth some time in 1842, he then commanding the army in Florida, that the Seminole Indians were at peace, and that the war was ended, and that the citizens could return to their homes in safety: And whereas, that, after a portion of the citizens did return to their homes they were attacked by the Indians, their families murdered

and themselves disabled for life by wounds received, and are not able to support themselves by manual labour: therefore,

1847.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby requested, to use their exertions to procure the passage of a law for the relief of those who have been thus disabled, as also for all those who have sustained losses by the Indians. Losses by Indians.

Be it further resolved, That properly certified copies of the above Preamble and Resolutions be forwarded to our Senators and Representative in Congress.

[Passed the House of Representatives, Dec. 23, 1847. Passed the Senate, Dec. 27th, 1847. Approved by the Governor, Jan. 1, 1848.]

[No. 11.] Resolutions requesting the Senators and Representative of Florida, in Congress, to procure copies of all the surveys and reports made thereon, of Canal and Rail Road routes in Florida, by the United States Government for the use of this State.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and are hereby requested, (if possible,) to procure for the use of this State, from the United States Government, copies of all the surveys and reports thereon, made by said Government, of Canal and Rail Road routes in and through the territory of Florida; and more especially the surveys of routes for Canals and Rail Roads across the Peninsula thereof; and that they be requested to transmit said copies of surveys and reports, when procured to the Secretary of this State. Survey of canal & rail road routes.

[Passed House of Representatives, Jan. 5, 1848. Passed the Senate, Jan. 5, 1848. Approved by the Governor, Jan. 7, 1848.]

[No. 12.] Resolution relative to the Removal of the United States Land Office from Newnansville to Ocala.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to use their exertions in having a law passed for the removal of the United States Land Office at Newnansville to Ocala, the county site of Marion county. Land office.

[Passed the House of Representatives, January 4, 1848. Passed the Senate January 5, 1848. Approved by the Governor, January 7, 1848.]

1847.

[No. 13.] A Memorial and Resolution of the General Assembly of the State of Florida to the President, Post Master General and the Congress of the United States, on the subject of a Mail Route therein mentioned.

The Senate and House of Representatives of the State of Florida in General Assembly convened, Do hereby most respectfully represent to the President, Post Master General and the Congress of the United States of America the grievance as well as the injustice that has been done to that portion of the country which is more immediately interested—a large portion of the Commercial interest of Florida, and of sections of country elsewhere,—and also to the travelling public, by the change which has taken place in substituting sulkies, semi-weekly, in place of two horse coaches, tri-weekly, for the transportation of the mail on the mail route from Chattahoochie via Marianna, Florida ; Geneva, Alabama ; Milton, Florida, to Pensacola, Florida ; and for the good reasons which were among the many others that might have been with great propriety urged, induces the General Assembly of the State aforesaid, now convened, to insist upon, and respectfully ask, that the grievance and injustice complained of, be removed, by re-instating at least on said road the tri-weekly two horse Coaches.

Therefore be it resolved unanimously, That our Senators in Congress are hereby instructed, and our Representative requested, to urge this matter by all possible means that are just, honorable and right ; and that the Governor of the State aforesaid, is hereby requested and required to send a copy of this memorial and resolution to each of our Senators, also a copy to our Representative in Congress, and also one copy to the President, Post Master General, President of the Senate and Speaker of the House of Representatives of the Congress of the United States.

[Passed the House of Representatives, December 9, 1847. Passed the Senate, December 11, 1847. Presented to Executive for Approval, December 13, 1847.]

[No. 14.] Resolution in relation to draining the Everglades.

Preamble.

WHEREAS, large tracts of the public lands lying in the vicinity of Lake Okee-cho-bee, and in that region South of said lake called “the everglades,” being covered with water are incapable of being surveyed and sub-divided, and are therefore valueless to the United States: AND WHEREAS, It is believed that a large portion of said lands may be drained by canals, reclaimed, and made valuable for the cultivation of tropical plants and fruits: AND WHEREAS, It is believed that these lands if reclaimed, would not only remunerate this State for the expense of such reclamations but would yield a considerable surplus above such expense: therefore,

Resolved by the Senate and House of Representatives of the State

1847.

of Florida in General Assembly convened, That Congress be requested to grant to this State all of said lands lying South of Carloo-sa-hatchee river and of the northern shore of Lake Okee-cho-bee, and between the Gulf of Mexico and the Atlantic Ocean, on condition that the State will drain them and apply the proceeds of the sale thereof, after defraying the expense of draining, to purposes of education.

[Passed by the Senate, December 30, 1847. Passed by House of Representatives, Jan. 6, 1848. Approved by the Governor, Jan. 6, 1848.]

[No. 15.] Preamble and Resolutions relative to the expenses of Florida Volunteers previous to being mustered into the United States service.

WHEREAS, it appears to the satisfaction of this General Assembly that expenses have been incurred by individuals in subsisting, organizing and transporting to the place of rendezvous the Florida Volunteers, raised for the war, by authority of the State, upon requisitions from the War Department of the General Government, which expenses were incurred for the benefit of the United States, and were necessary and unavoidable: AND WHEREAS, It further appears that but a small part of said expenses have been refunded: AND WHEREAS, Congress has heretofore, by act for that purpose, authorized the payment of claims on account of expenses of a similar character, which act, however, by construction of the proper department, has been decided not to extend to any case where the expenses were incurred after its passage: AND WHEREAS, It would be a great hardship and injustice that such expenses should be borne by private individuals, without the hope of reimbursement, thus virtually inflicting a penalty upon their patriotism: Therefore,

Be it resolved unanimously by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to call the attention of Congress to this subject, and to use their best exertions to procure the passage of a law, either general or special, which will authorize the reimbursement of said expenses.

Be it further resolved, That the Governor, at his earliest convenience transmit this Preamble with the accompanying resolutions to our said Senators and Representative, earnestly requesting their immediate attention to the same.

[Passed the House of Representatives, December 9, 1847. Passed the Senate, Dec. 16, 1847. Approved by the Governor, Dec. 28, 1847.]

[No. 16.] Resolutions relative to the Widows and Orphans of those who have died in defence of their Country in Mexico.

Be it Resolved by the Senate and House of Representatives of the

1847.

Widows and or-
phans.

State of Florida in General Assembly convened, That it is the duty of Congress to make provision for the relief of the Widows and Orphans of those gallant defenders of our Country who have lost their lives in the conflicts in Mexico.

Be it further resolved, That we respectfully urge this subject upon the consideration of Congress, and request our Senators and Representative to use their best exertions to obtain the passage of an act to secure the object proposed.

Be it further resolved, That the Governor of the State cause copies hereof to be transmitted to the presiding officers of Congress, and to our Senators and Representative.

[Passed the House of Representatives, Jan. 3, 1848. Passed the Senate, Jan. 4, 1848. Approved by the Governor, January 6, 1848.]

[No. 17.] Resolutions relative to the Indians in South Florida, and providing for the safety of the inhabitants of that section of this State.

Indians.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to use their endeavors to procure an order from the War Department, or by act of Congress having for its object :

First, The removal of all the Indians into the boundary assigned them in this State.

Second, The establishing of a sufficient number of troops on the Indian Line, to keep the Indians in check, and prevent their crossing the same.

'Trading houses
and powder.

Third, The establishing of one or more trading houses on the Line, and restricting them particularly not to sell Indians a larger quantity of powder than one pound.

Removal.

Fourth, To remove the whole tribe from our State to their destination, assigned them by Congress, as soon as practicable.

[Passed the House of Representatives, December 29, 1847. Passed the Senate, January 1, 1848. Approved by the Governor, January 4, 1848.]

[No. 18.] Resolutions relative to the payment of Capt. William H. Payne's Company.

Payne's com'y.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby requested to use their best endeavor (in such manner as they may deem best) to procure the payment to the men and officers of Capt. Wm. H. Payne's Company, for their services as mounted volunteers in the Indian war in Florida, during part of the years 1838 and 1839.

Be it further resolved, That his Excellency be, and he is hereby requested to forward a copy of these resolutions together with the original testimony taken by the Commissioner appointed under a resolution of this General Assembly, approved December 23, 1846, to take testimony in regard to the said Military services.

[Passed House of Representatives, Jan. 4, 1848. Passed the Senate, Jan. 5, 1848. Approved by the Governor, Jan. 7, 1848.]

[No. 19.] Resolution in relation to Territory which may be acquired by the United States.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That any Territory which the United States may hereafter acquire by purchase or otherwise, becomes the common property of the several States, composing the Confederacy; and whilst it so continues it is the right of each citizen of each and every State to reside with his property of every description within such Territory. Territory acquired by U. S.

[Passed the Senate, December 30, 1847. Passed the House of Representatives, January 3, 1848. Approved by the Governor, January 5, 1848.]

[No. 20.] Resolutions in relation to the Wilmot Proviso.

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the power claimed by some of the States of the Union for Congress of the United States to exclude the institution of slavery from any territory which may be hereafter acquired, is of vital importance to the slaveholding States, and demands the serious and profound attention of all men at the present momentous and interesting period, in consequence of the impassioned excitement upon the subject of slavery, produced by the discussion of the "Wilmot Proviso," introduced into the last Congress, and other exciting causes. Exclusion of slavery from territory acquired.

SEC. 2. *Be it further resolved*, That in the opinion of this General Assembly, a just and correct interpretation of the Constitution of the United States, vests in the Territorial as well as the State Legislatures exclusive jurisdiction over the persons of individuals within their respective limits, and that it would be arbitrary, unjust and a usurpation of power on the part of Congress to annex conditions to the admission of a State into the Union, or the annexing a territory thereto, involving the right of jurisdiction in Congress over this subject, which exclusively belongs to the territory itself before its admission into the Union, and to the State afterwards. Jurisdiction belonging to territory.

SEC. 3. *Be it further resolved*, That it would be an arbitrary usurpation of power on the part of Congress to exclude slavery from

1847.

To exclude, an
arbitrary usur-
pation.

any such territory as may hereafter be acquired by the U. States, either by way of indemnity, by conquest, or by purchase; that the people of the territory alone have the right to determine upon this subject, and it is for them, while they remain a Territory, and for the State when they shall ask to be admitted as a State, to say whether the institution of slavery shall exist within the limits of such Territory or State; they having by a just interpretation of the Constitution, exclusive jurisdiction over the subject matter within their limits.

[Passed the Senate, December 28, 1847. Passed House of Representatives, December 29, 1847. Approved by the Governor, December 30, 1847.]

[No. 21.] A Resolution in relation to Major Wm. W. Loring and Lieut. M. C. Marin.

Preamble.

WHEREAS, it is well-becoming in every State suitably to express her appreciation of the noble conduct of her sons; and whereas, in the opinion of this General Assembly, the highest tribute which can be paid to individual merit, is the expression of the thanks of the Senate and House of Representatives in General Assembly convened; and whereas, the members of the General Assembly desire to express their appreciation of the services rendered by Major Wm. W. Loring, of the United States Army, and Lieut. Mathias C. Marin, of the United States Navy, in the war now waging between the United States of America and the United States of the Republic of Mexico: therefore,

Thanks.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the thanks of this Government be tendered by his Excellency the Governor to the said Major Wm. W. Loring and Lieut. Mathias C. Marin, for their distinguished services and gallant conduct in the war now waging between the United States of America and the United States of the Republic of Mexico.

[Passed the Senate, November 30, 1847. Passed the House, December 6, 1847. Received in Executive Office, December 8, 1847, and not returned within the Constitutional limit of five days.]

[No. 22.] Resolution expressive of thanks to Messrs. Randall, Brockenbrough and Baker, examiners of Thompson's Digest.

Thanks.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the thanks of this General Assembly are due to Messrs Thomas Randall, William H. Brockenbrough and J. Wales Baker, Esquires, for the thorough and critical examination given by them as a committee appointed

by his Excellency the Governor of this State, to examine and report upon Thompson's Digest of the Laws of the State of Florida, and that the Secretary of this State, be authorized and is hereby required, to present, in the name of the State of Florida, to each of said gentlemen, a copy of said Digest as an evidence of the appreciation of the State for their services as said examiners.

[Passed the House of Representatives December 17, 1847. Passed the Senate, Dec. 21, 1847. Approved by the Governor, December 28, 1847.]

[No. 23.] Resolution in relation to James A. Baughey.

Resolved by the General Assembly. That the Comptroller is hereby Allowance. directed to allow James A. Baughey for the publication of the amendments to the Constitution adopted by the General Assembly at its session in 1846 and 1847 the sum of one hundred dollars, and for other items the sum of thirty-five dollars.

[Passed the Senate, January 8, 1848. Passed the House of Representatives, January 8, 1848. Approved by the Governor, January 8, 1848.]

[No. 24.]

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts, be and he is hereby requested and directed to rent out to individuals for offices, such of the basement rooms in the Capitol as can be conveniently spared from the use of this State, for such sums of money as by the said Comptroller shall be deemed proper, which said rents shall be by said Comptroller, paid into the Treasury of this State.

[Passed the House of Representatives, January 7, 1848. Passed the Senate, January 8, 1848. Approved by the Governor, January 8, 1848.]

[No. 25.] Resolution in relation to the employment of Hugh Archer in the Comptroller's Office.

WHEREAS, N. P. Bemis did, on the 21st instant, resign his Office of Comptroller of Public Accounts, and the business of the said office, has, in consequence of his illness, not been brought up to the date of his resignation as it is necessary it should be to save his successor elect from undue labor and responsibility, and to enable him to perform advisedly the duties of the said office: therefore, Preamble.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That Hugh Archer (late up. Business bro't

1847.

Comptroller *ad interim*,) be, and he is hereby employed to bring up all the business of said office to the 21st instant, to be paid therefor out of the Contingent fund, such sum as the Governor shall allow.

[Passed the Senate, Dec. 20, 1847. Passed the House of Representatives January 5, 1848. Approved by the Governor, January 6, 1848.]

[No. 26.]

Amendments of
constitution.

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Secretary of State be and he is hereby authorized and required, to cause due publication of any amendment or amendments to the Constitution of this State which shall or may pass the General Assembly at its present session, in all the newspapers of this State. Provided that the charge therefor, by each of said newspapers, for each of said amendatory acts so published in conformity with the requirements of the Constitution shall in no case exceed the sum of twenty dollars.

[Passed the House of Representatives, January 7, 1848. Passed the Senate, January 8, 1848. Approved by the Governor, January 8, 1848.]

[No. 27.]

Bill establish'g
comm'n schools

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Secretary of State be authorized to procure the printing of one thousand copies of the Senate bill, and also the House bill, for the establishment of a system of Common Schools together, in pamphlet form, to be distributed equally throughout the State; *Provided however*, that the printing of said pamphlet shall cost no more per page than is allowed for the printing of the acts of the present General Assembly.

[Passed House of Representatives, Jan. 6, 1848. Passed the Senate, Jan. 7, 1848. Approved by the Governor, Jan. 8, 1848.]

[No. 28.] Resolutions in relation to Printing the Laws of the present Session.

Printing laws.

Resolved, That W. Bartlett be selected to print the laws passed by the present General Assembly, on his giving bond to the Secretary of State, to execute the same in a proper manner.

Compensation.

Resolved, That the compensation be the same per page as the Printer of the House of Representatives receives for printing the journals of the House.

[Passed the Senate, Jan. 7, 1848. Passed House of Representatives, Jan. 7, 1848. Approved by the Governor, Jan. 8, 1848.]

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AMENDMENTS

TO THE

CONSTITUTION OF THE STATE OF FLORIDA, ADOPTED BY THE SECOND AND THIRD GENERAL ASSEMBLIES OF THE STATE OF FLORIDA.

AN ACT to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the second clause of the fourth article of the Constitution of this State be so amended as to read as follows, viz: 2d. The members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of two years, from and after the day of the first election under the amended Constitution, and no longer; and the sessions of the General Assembly shall be biennial, and commence on the fourth Monday in November, in each and every second year, or at such other times as may be prescribed by law.

SEC. 2. *Be it further enacted,* That the third clause of the fourth article of the Constitution be amended so that the same shall read as follows: 3d. That the Representatives shall be chosen on the first Monday in the month of October, in each and every second year, from and after the first election under this amended Constitution, or on such other day as may be directed by law.

SEC. 3. *Be it further enacted,* That the fifth clause of the aforesaid article be so amended as to read as follows, viz: The Senators shall be chosen by the qualified electors, for the term of four years, at the same time in the same manner and in the same place where they vote for members of the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election, and the last year a resident of the district or county for which he shall be chosen, and shall have attained the age of twenty-five years.

SEC. 4. *Be it further enacted,* That the sixth clause of the aforesaid article be so amended as to read as follows, viz: The classification of Senators, as made at the first session of the General Assembly held in the year 1845, shall continue unchanged; one-half of whom, as nearly as possible, shall be chosen forever hereafter biennially for the term of four years: *Provided, however,* and it is hereby declared, that the term of office of that class of Senators unexpired

at the first election under the amended Constitution, shall extend to, and expire on, the first Monday in October, eighteen hundred and fifty.

SEC. 5. *Be it further enacted*, That the first election for Assemblymen, under this amended Constitution, shall take place on the first Monday in October, eighteen hundred and forty-eight; and the first session of the General Assembly, under this amended Constitution, shall commence on the fourth Monday in November, in the year eighteen hundred and forty-eight.

[SECOND GENERAL ASSEMBLY.—Passed Senate by Constitutional majority, December 22, 1846. Passed House of Representatives by Constitutional majority, December 29, 1846.]

[THIRD GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 21, 1847. Passed the House of Representatives by the Constitutional majority, December 23, 1847.]

AN ACT so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the first clause of the sixth article of the Constitution be so amended as follows, viz: Every free white male person of the age of twenty-one years and upwards, and who shall be, at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida for one year next preceding the election at which he shall offer to vote, and who shall, at such time, and for six months immediately preceding said time, have had his habitation, domicil, home and place of permanent abode, in the county in which he may offer to vote, shall be deemed a qualified voter at all elections under this Constitution, and none others; except in elections by general ticket in the State or District prescribed by law, in which cases, the elector must have been a resident of the State one year next preceding the election, and six months within the election district in which he offers to vote: *Provided*, that no soldier, seaman or marine, in the Regular Army or Navy of the United States, unless he were a qualified elector of this State previous to his enlistment as such soldier, seaman, or marine in the Regular Army or Navy of the United States, or of the revenue service, shall be considered a resident of the State in consequence of being stationed within the same.

[SECOND GENERAL ASSEMBLY.—Passed Senate by Constitutional majority, December 1, 1846. Passed House of Representatives by Constitutional majority, December 16, 1846.]

[THIRD GENERAL ASSEMBLY.—Passed Senate by Constitutional majority, December 21, 1847. Passed House of Representatives by Constitutional majority, December 23, 1847.]

AMENDMENT

TO THE

CONSTITUTION OF THE STATE OF FLORIDA, PROPOSED AND AGREED TO BY THE THIRD GEN- ERAL ASSEMBLY; SUBJECT TO THE ACTION OF THE NEXT GENERAL ASSEMBLY.

AN ACT to amend the 12th Clause of the 5th Article of the Constitution of this State, so that the Judges of the Circuit Courts shall hold their offices for a term of eight years, instead of during good behavior.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the 12th Clause of the 5th Article of the Constitution of this State, be so amended as to read as follows, viz: That at the expiration of the present term of office of the Judges of the Circuit Courts, with the exception hereinafter mentioned, the Justices of the Supreme Court, and the Judges of the Circuit Courts, shall be elected for a term of eight years, and shall hold their offices for that term, unless sooner removed under the provisions made in this Constitution, for the removal of Judges by address or impeachment; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of two-thirds of the General Assembly; *Provided, however,* That the cause or causes shall be stated at length in such address and entered on the Journals of each House. *And provided, further,* That the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such removal shall pass: and in such cases the vote shall be taken by yeas and nays and entered on the Journals of each House respectively.

SEC. 2. *Be it further enacted,* That the Judges first appointed under this amended Constitution, shall be divided by lot into four classes. The first class shall hold his or their office or offices for the term of two years, the second for the term of four years, the third for the term of six years, the fourth for the term of eight years.

[THIRD GENERAL ASSEMBLY.—Passed the Senate by the Constitutional majority, December 22, 1847. Passed the House of Representatives, by the Constitutional majority, January 6, 1848.]



